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March 3, 1849

FINAL ENVIRONMENTAL IMPACT STATEMENT

# GROOM MOUNTAIN RANGE

LINCOLN COUNTY, NEVADA

NOVEMBER 1986

ENVIRONMENTAL IMPACT ANALYSIS PROCESS

TACTICAL AIR COMMAND

BUREAU OF LAND MANAGEMENT

DEPARTMENT OF THE AIR FORCE
WASHINGTON, D.C. 20330-1000

OFFICE OF THE ASSISTANT SECRETARY

TO: ALL INTERESTED GOVERNMENT AGENCIES, PUBLIC GROUPS, AND INDIVIDUALS

Attached is the Final Environmental Impact Statement (EIS) for Groom Mountain Range, Lincoln County, Nevada.

This Final Environmental Impact Statement evaluates the impacts of withdrawal of 89,600 acres of the Groom Mountain Range for sole Department of Defense use. The EIS has been prepared as directed by Public Law 98-485. Impacts and mitigations on transportation, recreational hunting, grazing, and mining are extensively studied.

This EIS has been prepared in two parts. Part I was the draft EIS which was mailed to you earlier. Part II, enclosed, contains the public's comments, the Air Force and Bureau of Land Management responses, an errata sheet, and a new summary which includes information developed during the comment and response effort. Questions on the Final EIS and requests for additional copies of either Part I or Part II should be directed to:

HQ TAC/DEEV
Langley AFB, VA 23665-5001
ATTN: Mr. Chavis
Telephone (804) 764-4430

Gary D. Vest

GARY D. VEST
Deputy for Environment, Safety and
Occupational Health
Deputy Assistant Secretary of the Air Force
(Installations, Environment and Safety)

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Final EIS

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# COVER SHEET

(a) Responsible Agencies: Lead Agency - U.S. Air Force
Cooperating Agency - U.S. Bureau of Land Management.

(b) Proposed Action: Renewed Withdrawal of Groom Mountain Range Addition to Nellis Air Force Bombing and Gunnery Range, Lincoln County, Nevada.

(c) Contact for Further Information: Mr. Alton Chaves
HQ TAC/DEEV
Langley AFB, VA. 23665
Phone (804) 764-4430

(d) Designation: Final Environmental Impact Statement. The final EIS consists of the DEIS, the public comments, responses to comments, the corrections to the DEIS, the revised potential and recommended mitigations, and the summary.

(e) Abstract: Environmental impacts expected to result from renewed withdrawal of the Groom Mountain Range are assessed. The no-action alternative allowing return of the area to public land status and the alternative of renewing a smaller withdrawal area are considered. Impacts of renewed withdrawal would result from loss of public and private access for hunting, recreation, mining and other purposes. It is concluded that no overriding environmental factors are evident that would render renewed withdrawal unacceptable.

(f) Date Made Available to the Public: November 14, 1986.

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# 1.0 SUMMARY

## 1.1 INTRODUCTION

The Air Force proposes to request renewal of the withdrawal of the Groom Mountain Range from the public lands. The withdrawn lands will provide a public safety and security buffer zone for national defense programs carried out on the adjacent Nellis Air Force Range (NAFR). Prior to the existing withdrawal of 89,600 acres of the Groom Mountain Range in October 1984 by PL 98-485, the area was public land administered by Bureau of Land Management (BLM). The temporary withdrawal expires December 31, 1987. Air Force use of the area will not entail any air-to-ground targeting activities or construction other than a possible boundary delineation fence. Direct impacts to the land from Air Force activities should thus be no greater than those currently experienced from existing overflights. All impacts experienced would be related to restricted and prohibited access.

## 1.2 PUBLIC REVIEW

The Draft Environmental Impact Statement (DEIS) for this proposed action was issued on October 25, 1985, with publication of the Notice of Availability in the Federal Register. The public review and comment period ended on December 30, 1985. During the review period, public comments on the DEIS were solicited. Written comments were submitted to Headquarters Tactical Air Command at Langley Air Force Base, Virginia and to the Air Force and BLM during public hearings. Verbal comments were received at public hearings held in Lincoln County at Caliente (Nov. 19) and Alamo (Nov. 20) and in Clark County at North Las Vegas (Nov. 22). The predominant public concerns enunciated relate to mitigation measures to compensate for loss of access to the area for public recreation (including hunting), mining and livestock grazing. Other concerns expressed relate to the need for total withdrawal.

The Air Force's and BLM's response to these concerns consists of individual responses to the comments and questions. In addition, an errata provides corrections to factual errors and typographical mistakes. Finally, based on public comment and follow-up discussions the Air Force and BLM have considered additional mitigation measures and revised its recommended measures. Since factual changes to descriptions of the environment and impacts are minor, the final EIS consists of the DEIS, the comments, the responses, the corrections to the DEIS, the revised potential and recommended mitigations, and this Summary. This Summary is similar to the one in the DEIS, but it has been revised to reflect the public comment process.

## 1.3 ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

The Draft Environmental Impact Statement (DEIS) discusses possible mitigations for impacts including those on outdoor recreation, mineral exploration and development, and agriculture interests. Below is a summary of the potential mitigations in the areas specified by PL 98-485. Mitigations of impacts to roads, and socioeconomics are also addressed in the draft environmental impact statement. The complete discussion of potential mitigations is in Section 4.3 of that document.

The proposed action may impact market value of the Bald Mountain Grazing Allotment. The Air Force and BLM recommend that no action be taken until an impact is identified. At that time the Air Force could mitigate by out-right purchase with subsequent lease back or by guaranteed access to potential purchasers of the Bald Mountain Allotment or by compensation if there is a loss of market value.

Access to the area for mineral exploration will be prohibited by the proposed action. It has been suggested that the military should open other withdrawal areas to mineral exploration and development. This is not possible on the Nellis Range without seriously compromising national defense programs. The respective commands for Wendover AFAF and range, Hawthorne Army Ammunition Depot and Fallon Naval Air Station all indicated that there were no lands under their jurisdictions that could be released for these purposes. Therefore, this mitigation is not recommended. However, to mitigate potential impacts on owners of valid patented and unpatented mining claims, the Air Force will, at its option, either subordinate a lease for valid existing mineral claims or allow holders of valid claims controlled access to work the claims on terms and at levels of activity consistent with national security needs. These will be similar to the terms and levels existing prior to the withdrawal. If the owners agree, such claims could also be bought out entirely at fair market value. The combined affect of the two options will be to defer for the term of the withdrawal significant development of the claims or large-scale mineral extraction.

The potential impacts on outdoor recreation are primarily in the area of sport hunting. Some have suggested that additional portions of Nellis AF Range should be opened to controlled hunts of bighorn sheep to offset the restriction to hunting land in the Groom Mountain Range area. The Air Force has concluded that it can open an additional 26 square miles of the Stonewall Mountain area.

To mitigate the loss of deer, chukar and quail hunting in the area of the proposed withdrawal, the Nevada Department of Wildlife and Bureau of Land Management helped identify locations for wildlife waterers in other mountain ranges to improve wildlife habitat. The recommended mitigation is to purchase water storage tanks and collection aprons for some of the springs included within the Groom Mountain Range.

Expansion of existing wildlife areas is another mitigation that has been proposed as an offset for loss of opportunities for hunting. The BLM has expressed willingness to work on this issue with the Nevada Department of Wildlife (NDOW) with reference to management of the BLM controlled lands adjacent to NDOW's Sunnyside area. It was also suggested that private lands adjacent to these areas be purchased. The latter is not recommended as a mitigation.

Other suggested mitigations related to wildlife are more specifically directed toward the bighorn sheep and the mule deer. Proposals to introduce a gene pool herd of bighorn on the proposed renewed withdrawal area are not recommended because of the attending entrance requirements for wildlife managers. The range manipulation of approximately 86,000 acres in other mountain ranges to improve habitat is

considered too expensive relative to the withdrawal impacts and potential benefits of this mitigation.

Some have proposed that the government buy land adjacent to Red Rock Recreation Land to expand that area. The proposed purchase cannot be justified on the basis of the estimated recreation lost through the renewed withdrawal of the Groom Mountain Range. However, it was suggested by others that this lost recreation opportunity could be mitigated through rehabilitation of the flood-damaged Kershaw-Ryan State Park in Lincoln County. This latter recreation mitigation is not recommended. The Air Force believes that the rehabilitation costs are not commensurate to the loss of comparable recreational opportunities.

An area management plan is required and will be prepared in conjunction with the BLM. The plan will address issues on management of the area to ensure against adverse impacts. Potential topics include management of livestock grazing, wildlife, maintenance of water resources, control of range fires, and protection of cultural resources.

Two separate suggestions were made for road improvements as mitigations. The first was a proposal to pave the Kane Springs Road. This road is not involved with the withdrawal and therefore not supported as a mitigation. The second proposal, was to pave the road from Rachel into the Nevada Test Site (NTS). The Air Force recommends this as a mitigation measure to be shared with Lincoln County. A schedule of open hours for the road has been distributed, which solved the previous problem of the road being closed at generally unknown times. Also, a telephone number has been provided so NTS workers can check to determine if the road is open to traffic from the NTS to Rachel.

## 1.4 ALTERNATIVES

Alternatives to the proposed action are limited to: 1) No Action - this would result in return of the area to public land status; and 2) withdrawal of a smaller or differently configured area.

Return of the area to public land status would result in compromising public safety and the security of national defense activities - the very reasons for which the temporary withdrawal was authorized. Thus, the "No Action" alternative is not acceptable to the Air Force, nor is it in the best public interest.

Withdrawal of a smaller or differently configured area was carefully examined for the criteria of achieving both public safety and security. This analysis indicates that the current boundaries only marginally meet these criteria. A smaller area would greatly increase the complexity and cost to meet security needs and result in potentially greater environmental impacts in attempts to achieve needed security. Thus, a smaller or differently configured withdrawal is unacceptable.

## 1.5 CONCLUSION

There are no overriding impacts on the human environment which would render the proposed action unacceptable. There are appropriate and cost effective mitigations to off-set the loss of access impacts.

## 2.0 PUBLIC COMMENTS ON THE DEIS

All public comments, written and oral, are included in this final EIS. Written comments are organized according to the commentors affiliation, i.e. Federal, State and Local Agencies, Organizations, and Private Citizens. The written comments are followed by transcripts of public hearings held in Caliente, Alamo and Las Vegas. Written testimony submitted at the public hearings is included following the respective transcripts.

Substantive comments, questions and criticisms raised by each commentator are marked on the comment document and are sequentially numbered in small type. Each numbered comment has associated with it a circled, bold type number that refers to the appropriate response. Many commentators have raised the same or related, questions, criticisms and concerns. The responses were prepared to address the most fully developed, or substantive, statement of a specific topic. All related comments are referred to the same response. For this reason the response numbers do not appear sequentially within the comments. An index of comment numbers and response numbers is included in Section 3.0, "Responses to Public Comments".

## 2.1 FEDERAL AGENCY COMMENTS

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
215 Fremont Street
San Francisco, Ca. 94105

19 DEC 1985

Captain Donald Zona
HQ, TAC/DEEV
Langley AFB, VA 23665

Dear Captain Zona:

The Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) titled GROOM MOUNTAIN RANGE, LINCOLN COUNTY, NEVADA. We have the enclosed comments regarding this DEIS.

We have classified this DEIS as Category EC-2, Environmental Concerns - Insufficient Information (see attached "Summary of Rating Definitions and Follow-Up Action"). This DEIS is rated EC-2 because of water quality and air quality issues. The classification and date of EPA's comments will be published in the Federal Register in accordance with our public disclosure responsibilities under Section 309 of the Clean Air Act.

We appreciate the opportunity to review this DEIS. Please send three copies of the Final Environmental Impact Statement (FEIS) to this office at the same time it is officially filed with our Washington, D.C. office. If you have any questions, please contact Roberta Blank, Federal Activities Branch, at (415) 974-8187 or FTS 454-8187.

Sincerely yours,

for
Charles W. Murray, Jr.
Assistant Regional Administrator
for Policy and Management

Enclosure (1 page)

---

Water Quality Impacts

The DEIS identifies overgrazing and accelerated soil erosion as potential problems associated with construction of a fence around the withdrawal area and restricted regulatory access by BLM.

1 The FEIS should discuss potential impacts to water quality from overgrazing and accelerated soil erosion. Livestock grazing should be controlled to avoid overgrazing through "development and implementation of a management plan" as mentioned on page 2-3 of the DEIS.

① As required by the area's 208 Water Quality Management Plan, the FEIS should include a commitment to monitor for and mitigate adverse water quality impacts due to grazing and soil erosion. Such monitoring/mitigation should be part of the Air Force/BLM cooperative management agreement discussed on page 4-19 and should be coordinated with the Nevada Department of Environmental Protection.

Also, the DEIS does not specifically address available water resources or impacts to water quality in areas contiguous to the withdrawal area. Impacts caused by potential overgrazing and soil erosion in these areas, due to restricted access to the Groom Mountain Range should be evaluated. Monitoring and management activities for these contiguous lands should be addressed in the FEIS, as well.

Radiological Monitoring Comment

2 ② On page 4-1, the DEIS states, "the Environmental Protection Agency would continue to have access to the withdrawal area to perform radiological monitoring related to NTS activities." The FEIS should also discuss any special arrangements that will be necessary before EPA personnel can enter the restricted acccess territory.

Air Quality Comment

3 ③ On page 4-2, the DEIS states that "fugitive dust could also be generated if a perimeter fence is constructed." The FEIS should discuss and include a commitment to dust palliative measures. Such measures should also be considered for any unpaved roads traveled on more than an infrequent basis.

## SUMMARY OF RATING DEFINITIONS AND FOLLOW-UP ACTION*

### Environmental Impact of the Action

LO—Lack of Objections
The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC—Environmental Concerns
The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

EO—Environmental Objections
The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU—Environmentally Unsatisfactory
The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

### Adequacy of the Impact Statement

Category 1—Adequate
EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2—Insufficient Information
The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3—Inadequate
EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant envifonmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

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*From: EPA Manual 1640 Policy and Procedures for the Review of

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
PACIFIC SOUTHWEST REGION
BOX 36098 • 450 GOLDEN GATE AVENUE
SAN FRANCISCO, CALIFORNIA 94102
(415) 556-8200

FEB 18 1986

Captain Donald Zona
Headquarters, Tactical Air Command/DEEV
Langley AFB, VA 23665

Dear Captain Zona:

The Department of the Interior has reviewed the Draft Environmental Impact Statement (DEIS) for the Groom Mountain Range Land Withdrawal, Lincoln County, Nevada and is providing the following comments to be considered in the preparation of the Final Environmental Impact Statement (EIS).

4 ⑨ The documentation presented in the statement indicates the area may contain unique resources of scientific value. The denial of controlled access for scientific studies and research of these resources is not consistent since controlled access is allowed for grazing and mining.

5 ㉔ The statement adequately addresses the topic of cultural resources and its compliance procedures. We do request a copy of Dr. Pippin's archeological survey report, referenced in the document, be provided to the Interagency Archeological Service, Western Region, National Park Service, P.O. Box 36063, San Francisco, California 94102. Please note that the Final EIS should document consultation with the Nevada State Historic Preservation Office and development of appropriate cultural resources management guidelines.

6 ④ With regard to minerals, the Draft EIS for the Groom Mountain Range Land Withdrawal is deficient to the point of being totally inadequate and unacceptable based on the criteria outlined by FLPMA (P.L. 94-579, sec. 201 and 204 C2.12).

7 ⑤ On page 4-6, it is stated, "At the present time, there are insufficient data available to do more than estimate the potential of any of the properties in the Groom Mountain Range." From the data presented in the DEIS, there is not sufficient information to estimate anything other than location, and that would be difficult since the Boondock Lode, Gold Butte, Jumbo Quartz and Placer Claims, and "various" adits, pits, etc., mentioned in the text were not located on the map on page 3-32.

On page C-2, first paragraph, it says:

8 ⑥

> Maps showing location of sample sites and geochemical maps showing concentrations of individual elements have been prepared and are included in the minerals report appended to the EIS. Sample results as well as statistical analyses comparing these results are also included in the appended minerals report.

9 ⑦ In order for the minerals report to be acceptable for this withdrawal, all mines must be inventoried. This will entail reopening all portals which can be reasonably reopened. The workings must be surveyed by at least brunton and tape standards. The resultant maps would then have the geology of the workings put on them as well as the sample sites. These sites would be located at close intervals, with separate samples taken of each of the vein or veins and country rock at each site. Each sample would then be analyzed for all potential economic minerals. Previous production statistics and history should be consulted to determine if any other minerals exist, as should an occasional 31 element spectographic analysis.

Any possible extensions should be explored using geologic, geochemical, and geophysical means for location. Resources and reserves should be calculated where possible.

All geophysical and geochemical data of a regional basis should be employed where no workings exist. This explores the potential of undiscovered deposits.

The mineral report should contain history and production of all known properties; mine maps, geology, and assays; sample sites of regional samples; and conclusions of the field geologists and engineers with regard to economics, resources and reserves, and potential.

This report should include mineral potential of all deposits, with a disregard of ownership and claims except for permission of trespass.

For an example of the work necessary, please look at any of the USGS Wilderness Bulletins, such as the North Absaroka Study Area, Montana, Bulletin 1505. In addition to this, we have provided a copy of the Summary Report - MLA 18-85, Mineral Resources of the Inyo Mountains Wilderness Study Area, Inyo County, California, which represents the absolute minimum that should be done on minerals prior to withdrawal and a copy of a plate from the Boulder-Pioneer Study Area, Blaine and Custer Counties, Idaho, which represents the work which must be done on each property prior to the production of the summary report.

The Mineral Inventory and Geochemical Survey Report is indeed a "Geochemical Survey Report," but it definitely is not an inventory of minerals or mineral deposits, nor does it properly evaluate the mineral deposits. Each mine, prospect pit, trench, etc., must be examined and located on a map of no smaller scale than 1:62,500. Each group of workings must then be surveyed by a least a brunton and tape survey, geologically mapped, and sampled at regular intervals of not more than 50 feet and preferable at 20 feet. The sampling procedure to be followed is outlined in Chapter 6, pages 76-102 of "Examination and Valuation of Mineral Property" by Parks, fourth edition. Samples should then be prepared and analyzed by conventional and accepted industry standards and methods.

Conclusions to the report should contain a resource analysis (tonnage and grade) of each property, as well as a statement of potential for mineral resources.

Comments specific to individual sections include:

10 ⑧

1. Page 3-18 - Coryphantha vivipara var. rosea and Machaerantheria grindelioides var. depressa are both 3 c now, so are not active candidates for listing.

10 2. Page 3-18 - Astragalus beatleyae is not proposed as endangered. It is a category 2 candidate, recommended upgraded to category 1 at 1985 NNNPS plant workshop.

⑧ 3. Page 3-19 - Same comment as in #1, above.

4. Page 3-19 - At the bottom of Table 3F, the explanation for the terms category 1 and 2 are reversed.

5. Page 3-20 - and 3-21; same comment as in #1, above.

6. Page 4-13 - Potential mitigation #4 and 5. We offer support to these mitigation commitments.

11 ⑮ 7. Page 4-14 - Potential mitigation #6. The most restricted big game hunting opportunity in the contiguous 48 states is for desert bighorn. We recommend that water development projects to compensate for lost bighorn hunting opportunities be seriously reconsidered.

8. Page 4-14 - Potential mitigation #7. We recommend that the identified 46,400 acres be re-examined for vegetation alteration costs. Controlled burns should be very cost effective.

12 ⑨ 9. Page 4-13 - Potential mitigation #7. Since this is a buffer zone to be occupied by people with security clearance, we see no reason not to maintain a bighorn sheep population for gene-pool purposes. We are confident selected biologists can qualify for security clearance.

We appreciate the opportunity to comment on the DEIS for the Groom Mountain Range Land Withdrawal.

Please provide copies of the Final EIS for the Groom Mountain Range Land Withdrawal to the respective Department of the Interior bureaus.

Sincerely,

Patricia S Port

Patricia Sanderson Port
Regional Environmental Officer

ccs: Director, OEPR (w/original incoming)
Chief, BM
Reg. Dir., FWS
Reg. Dir., NPS
Reg. Dir., BR
State Dir., BLM/Reno

---

DEPARTMENT OF DEFENSE UNITED STATES OF AMERICA

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS TACTICAL AIR COMMAND
LANGLEY AIR FORCE BASE, VA 23665

REPLY TO ATTN OF: DEEV

27 Nov 85

SUBJECT: Renewed Land Withdrawal of Groom Mountain Range

TO: Mr. Louis Benezet
Prince Mine
Pioche, NV 89043

Thank you for your recent participation in the public hearings concerning the renewed land withdrawal of Groom Mountain Range Draft Environmental Impact Statement (DEIS). The hearings afforded you the opportunity to be an active participant in the Air Force decision making process.

During the public hearing in Caliente you requested that additional hearings be held and the public comment period be extended. The three public hearings and 60 day public comment period exceeded the requirements of The Council on Environmental Quality. There is no requirement to hold additional public hearings nor to extend the public comment period beyond the December 30, 1985 cutoff date. Any written comments you wish included in the final EIS must be submitted to the address indicated in the DEIS, postmarked no later than December 30, 1985. Again, thank you for sharing your environmental concerns on the renewed land withdrawal of Groom Mountain Range.

FOR THE COMMANDER

Alton Chavis

ALTON CHAVIS, GS-13
Acting Chief, Environmental Plng Div

**DEPARTMENT OF THE AIR FORCE**
HEADQUARTERS TACTICAL AIR COMMAND
LANGLEY AIR FORCE BASE VA 23665-5001

REPLY TO ATTN OF: DEEV

SUBJECT: Public Law 98-485 in Regard to Hawthorne Army Ammunition Depot

TO: AMSMC-IS

1. Public Law 98-485 dated October 17, 1984, provided for a temporary land withdrawal of the Groom Mountain Addition to Nellis Air Force Range, Nevada. This Public Law also mandated that an Environmental Impact Statement (EIS) be issued concerning continued or renewed withdrawal of the lands, and that the EIS include "a description of and recommendations concerning measures to mitigate the impact of such continued or renewed withdrawal on opportunities for outdoor recreation, mineral exploration and development, and agriculture in Nevada. Such measures shall include -- possible increased mineral, agricultural, or recreational use of lands in Nevada withdrawn for military purposes."

2. Please advise on the availability of Hawthorne Army Ammunition Depot lands for possible increased mineral, agricultural, or recreational uses. Your response by 15 Feb 86 would be most appreciated.

FOR THE COMMANDER

James R Coffee

[illegible]
[illegible]

cc: SMCHW-OR

*Readiness is our Profession*

---

**DEPARTMENT OF THE ARMY**
HEADQUARTERS, US ARMY ARMAMENT, MUNITIONS AND CHEMICAL COMMAND
ROCK ISLAND, ILLINOIS 61299

REPLY TO ATTENTION OF:
AMSMC-ISF-R

28 JAN 1986

SUBJECT: Public Law 98-485 in Regard to Hawthorne Army Ammunition Depot

Commander
Tactical Air Command
ATTN: DEEV
Langley Air Force Base, VA 23665-5001

1. Reference letter, HQ, Tactical Air Command, DEEV, 18 Dec 85, SAB (encl).

2. The following information relative to Hawthorne Army Ammunition Plant, Hawthorne, NV, is provided:

a. Mineral exploration and development - There are currently a small number of active mining claims within the bounds of the installation. However, there are no plans for expansion of the existing program now or in the future.

b. Agriculture - Previous agricultural outleasing programs have been marginal. Plans are, however, being considered for reestablishment of the program.

c. Recreational uses - The installation currently sponsors a hunting program open to the public. There is also an installation fishing program but it is limited to current employees and retired personnel (both military and civilian) which accounts for the largest percentage of the local populace. There are no plans for expansion of these programs.

3. The POC is Mr. Mickley, ATTN: AMSMC-ISF-R, AV793-6570.

4. AMCCOM - Providing Leaders the Decisive Edge.

FOR THE COMMANDER:

B M Connelly

Encl
As stated

B. M. CONNELLY
Director, Instl Support Dir

CF:
Cdr, HWAAP, ATTN: SMCHW-OR

**DEPARTMENT OF THE AIR FORCE**
HEADQUARTERS TACTICAL AIR COMMAND
LANGLEY AIR FORCE BASE VA 23665-5001

[illegible] 1985

REPLY TO ATTN OF: DEEV

SUBJECT: Public Law 98-485 in Regard to Fallon Range

TO: Commander
Western Division
Naval Facilities Engineer Command

1. Public Law 98-485 dated October 17, 1984, provided for a temporary land withdrawal of the Groom Mountain Addition to Nellis Air Force Range, Nevada. This Public Law also mandated that an Environmental Impact Statement (EIS) be issued concerning continued or renewed withdrawal of the lands, and that the EIS include "a description of and recommendations concerning measures to mitigate the impact of such continued or renewed withdrawal on opportunities for outdoor recreation, mineral exploration and development, and agriculture in Nevada. Such measures shall include -- possible increased mineral, agricultural, or recreational use of lands in Nevada withdrawn for military purposes."

2. Please advise on the availability of Fallon Range lands for possible increased mineral, agricultural or recreational uses. Your response by 15 Feb 86 would be most appreciated.

FOR THE COMMANDER

James R Calfee

JAMES R. CALFEE
Dep Dir [illegible] & Env Plng

cc: Commander, Fallon
Naval Air Station

---

**DEPARTMENT OF THE NAVY**
WESTERN DIVISION
NAVAL FACILITIES ENGINEERING COMMAND
P.O. BOX 727
SAN BRUNO, CALIFORNIA 94066-0720

IN REPLY REFER TO
11011
242
4 March 1986

Mr. James R. Calfee
Deputy Director
Engineering & Environmental Planning
Headquarters, Tactical Air Command
Department of the Air Force
Langley Air Force Base, Virginia 23665-5001

Dear Mr. Calfee:

Reference is made to your letter of 18 December 1985 inquiring as to the availability of Naval Air Station (NAS), Fallon, Nevada Range lands for possible increased mineral, agricultural or recreational uses. Said land would apparently satisfy mitigation requirements associated with the withdrawal of the Groom Mountain Addition to the Nellis Air Force Range.

The Public Lands withdrawn for the benefit of the NAS Fallon are used as live and inert aerial gunnery target ranges. For both the protection of our air operations and the safety of the public, the Navy has continually endeavored to protect these lands from incompatible public use and access. We regret that we cannot be of assistance to you in this matter.

Please accept our apology for the delay in responding to your inquiry.

Sincerely,

Charles Williams

CHARLES J. WILLIAMS
Acting Head, Facilities Planning and
Real Estate Department

Copy to:
NAS Fallon

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS TACTICAL AIR COMMAND
LANGLEY AIR FORCE BASE VA 23665-5001

1[illegible] 1985

REPLY TO ATTN OF: DEEV

SUBJECT: Public Law 98-485 in Regard to Wendover Range

TO: HQ AFLC/DEPV

1. Public Law 98-485 dated October 17, 1984, provided for a temporary land withdrawal of the Groom Mountain Addition to Nellis Air Force Range, Nevada. This Public Law also mandated that an Environmental Impact Statement (EIS) be issued concerning continued or renewed withdrawal of the lands, and that the EIS include "a description of and recommendations concerning measures to mitigate the impact of such continued or renewed withdrawal on opportunities for outdoor recreation, mineral exploration and development, and agriculture in Nevada. Such measures shall include -- possible increased mineral, agricultural, or recreational use of lands in Nevada withdrawn for military purposes."

2. Please advise on the availability of Wendover Range lands in Nevada for possible increased mineral, agricultural or recreational uses. Your response by 15 Feb 86 would be most appreciated.

FOR THE COMMANDER

James R Calfee

[illegible]
[illegible] Env Plng

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DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE LOGISTICS COMMAND
WRIGHT-PATTERSON AIR FORCE BASE, OHIO 45433-5001

26 FEB 1986

REPLY TO ATTN OF: DEPR

SUBJECT: Public Law 98-485 in Regard to Wendover Range (Your Ltr, 18 Dec 85)

TO: HQ TAC/DEEV

1. Currently none of the 14,594 acres in Nevada are available to the public for increased, mineral, agricultural, or recreational use. We don't anticipate availability of these lands in the future as they support our bombing and gunnery missions.

2. If additional information is required, please contact Mrs Ann Spivey, HQ AFLC DEPR, AUTOTON 787-3861.

FOR THE COMMANDER

Wm C. Martin

WILLIAM C. MARTIN
REQUIREMENTS DIVISION
DIRECTORATE OF PROGRAMS

## 2.2 STATE AGENCY COMMENTS

THE STATE OF NEVADA
EXECUTIVE CHAMBER
Carson City, Nevada 89710

RICHARD H. BRYAN
*Governor*

TELEPHONE
(702) 885-5670

December 30, 1985

Captain Donald Zona
HQ TAC/DEEV
Langley AFB, VA 23665

RE: DEIS Groom Mountain Range USAF Land Withdrawal

Dear Captain Zona:

The State of Nevada has completed its review of the Draft Environmental Impact Statement (DEIS) for the Groom Range Land Withdrawal. My comments, and the attached comments of affected State agencies, are intended to assist both the Air Force and the Department of the Interior develop appropriate mitigation strategies and programs for recommendation to Congress for legislative action. I am also including a general overview of the cumulative activities of the Department of Defense in Nevada to assist the Air Force in understanding the State position in this matter.

General Concerns:

As you may be aware, Nevadans have long recognized the need for the legitimate use of our State's air and land resources by the military. Indeed, the rural portions of Nevada are becoming increasingly important to our national defense for both training military personnel and for the testing and siting of new weapons systems. Although these are real needs, the Department of Defense (DoD) must consider the cumulative effects of various DoD agency actions and their impacts on our State's rural residents and communities.

In just the past two years, Nevada has reviewed proposals for separate Supersonic Operations Areas by the Navy and the Air Force (totaling over 7,000 square miles), two low-level training routes by the Strategic Air Command, a land withdrawal (181,000 acres) by the Navy, the Oregon Air National Guard, the Groom Range Withdrawal and a preliminary proposal by the Air Force for siting of the SICBM weapon system. Each of these actions was proposed independently and without consideration of the cumulative impact all military actions in the State would have on the residents of Nevada. Some of these proposals appear to be poorly planned or proposed without proper notice/compliance with federal laws.

You may recall, for example, that in August, 1984, I testified before a congressional subcommittee to request a complete environmental review of the Groom Range Land Withdrawal. My action was prompted by the unauthorized closure of the range by the Air Force and by an attempt by both the Air Force and the Department of the Interior to include the Groom Range in legislation for a continuation withdrawal of the Nevada Test Site and Nellis Air Force Range. My testimony, along with the testimony of other concerned Nevadans, resulted in passage of Public Law 98-485. This law not only requires a specific environmental review of the Groom Withdrawal, but also requires an examination of possible mitigation measures for outdoor recreation, mineral exploration and development, and agriculture. Moreover, the law requires that recommendations be made for: 1) the acquisition, by the Secretary of Interior, of lands in Nevada suitable for outdoor recreational uses, and 2) for increased use, where possible, of lands in Nevada that are currently withdrawn for military purposes.

In view of this Congressional mandate, I would appreciate your careful consideration of my concerns and all of those provided by the commenting executive branch State agencies.

Specific Concerns:

The proposed action of the Groom Mountain Land Withdrawal will have certain adverse impacts on the State. The DEIS

13 addresses some of these concerns. In reference to the withdrawal's impact on minerals and agri-business, the State acknowledges the mitigation measures in the DEIS are adequate. It should be noted, however, that the State objects to the provision

⑨ allowing controlled access for current grazing permittees, mining claimants and federal land managers (BLM), but not to State wildlife personnel. The Air Force must allow staff of the Nevada Department of Wildlife (NDOW) equal access to the site, and must be willing to pay for security clearance of NDOW personnel should that be necessary.

14 ⑩ The State supports the mitigation alternative for added bighorn sheep hunting on Nellis Range (Stonewall Mountain) and through the expansion of the wildlife area at Sunnyside. It should be noted, however, that the Nevada Department of Wildlife has been pursuing the use of these resources with both the Air Force and the BLM for some time. In this regard, we question the novelty of proposing these items as mitigation alternatives for the loss of the 89,000 acres at Groom Range.

15 ⑮ In reference to the mitigation measures for water guzzlers, we are requesting an analysis (in the FEIS) of NDOW's request for placement of guzzlers in the Pahranagat Range, the Worthington Hills and the Golden Gate Range/Seaman Range.

As previously mentioned, Public Law 98-485 requires an examination of possible mitigation measures for outdoor recreation. With the exception of those alternatives examined for wildlife and habitat improvements, the DEIS failed to recommend any mitigation measures for non-hunting recreation. Although the measures analyzed in the DEIS (purchase of Red Rock lands and Veterans Administration Cemetery) were deemed unrealistic as mitigation, there are other proposals which should be reviewed. 16 ㉓ Primary to these is the rehabilitation of the Kershaw-Ryan State Park in Lincoln County. Rehabilitation of the park, which was severely damaged by two separate floods in 1984, should be analyzed in the FEIS as a mitigation measure for compensation of lost recreational opportunities at Groom Range.

17 ⑱ Although not recommended as mitigation, the State strongly supports the paving of the road from Rachel, Nevada into the Nevada Test Site (NTS). The road, which is now maintained by Lincoln County, is used by over 60 local residents. I am requesting that the Air Force meet with State officials to discuss this proposal in detail and where possible develop funding alternatives for consideration in the FEIS.

18 ⑪ I am also asking that the Air Force carefully reevaluate its need to withdraw all 89,600 acres of public land. Specifically, I believe that the Air Force should reexamine the need to withdraw the entire eastern slope of the Groom Range.

In closing, it must be remembered that the long-range impacts of the withdrawal of 89,600 acres of public lands remains uncertain. Nevertheless, it is the Air Force's legal responsibility under the National Environmental Policy Act (NEPA) to address the concerns raised by all those who have taken the time 19 ⑫ to review and comment on this document. Your careful consideration of all concerns, including those presented by myself and by State agencies, will greatly assist all of us in presenting a consensus recommendation to Congress for mitigating the loss to the public of the Groom Range.

Sincerely,

RICHARD H. BRYAN
Governor

cc: Lincoln County Commissioners
Nevada Congressional Delegation
Commenting State Agencies
Edward Spang, State Director, BLM
Gary D. Vest, USAF

STATE OF NEVADA
DEPARTMENT OF WILDLIFE
1100 Valley Road
P.O. Box 10678
Reno, Nevada 89520-0022
(702) 789-0500

RICHARD H. BRYAN
*Governor*

WILLIAM A. MOLINI
*Director*

DEC 20 1985

December 16, 1985

Mr. John B. Walker, Coordinator
State Clearinghouse
Office of Community Services
1100 E. William, Suite 109
Carson City, NV 89710

RE: SAI NV 85300070

Dear John:

We appreciate the opportunity to review and provide comment on the Groom Mountain Range Environmental Impact Statement. Although this is an area of Nevada which is lightly used, there are many wildlife values which will be lost to the public of the state if the withdrawal is accomplished. These values are identified throughout the text of the draft EIS document. However thorough the document is, adequate mitigations for wildlife are lacking. The following are our specific comments relative to this document:

1. Page iii, paragraph 3. Summary. "Other mitigation related to wildlife..." The Nevada Department of Wildlife did not suggest the introduction of desert bighorn sheep on the Groom Range as mitigation. On the contrary, NDOW identified the Groom Range as a release site for desert bighorn sheep as early as February 15, 1974. Paragraph 3 erroneously states and misleads readers as to the history of this issue. The latter portion of the paragraph states that the Air Force recommends against the introduction of bighorn sheep into the area "because of the attending entrance requirements for wildlife managers". At best this is a contradictory statement because on page 4-1 under Assumptions and Guidelines, Item 1 states "the Air Force has guaranteed access to the current owners of valid mining claims and the current permittee on the BLM Bald Mountain grazing allotment"; and, Item 3 states "the BLM will be accorded adequate access to properly manage, with concurrence of the Air Force, the resources and livestock grazing on the withdrawal". In spite of access being granted to those individuals and entities, reintroduction of

20 ⑨ desert bighorn sheep, a species which probably historically inhabited the area, is opposed "because of the attending entrance requirements of wildlife managers". Simple parity among resource users/managers suggests that NDOW should have at least periodic access for management of wildlife on the mountain.

2. The section dealing with the identification of wildlife in the area is brief. However, since our own inventory and survey information for this area is lacking, little else can be expected.

21 ⑪ 3. Page 2-1, 2.2. Withdrawal of a Reduced Area It is not felt that the EIS adequately addressed the Air Force's needs for the full 89,600 acres of public land. It was indicated that a smaller or differently shaped withdrawal area would not satisfy their needs. This is a very broad statement and did not allow for an examination of alternatives. A smaller area, located on the east side of the Groom Range for example, would allow important springs and pipelines to remain on non-withdrawn public lands and accessible to the public.

22 ⑬ 4. Page 3-28, Item 8. Rock Art. The three pictograph sites located during the survey could provide valuable information relative to the historical distribution of wildlife. This information would be very useful to the Department and we would appreciate the opportunity to obtain the information.

23 ⑨ 5. Page 4-1, 4.1. Potential Mitigation Number 3. The EIS states that the BLM would be allowed to properly manage the resources and livestock grazing. However, for the past few years, the BLM has not been allowed adequate access to those lands identified in the withdrawal document. This is brought out by statements on page 3-25, third paragraph and on page 4-4, section 4.2.6, second paragraph where it states "that many areas near springs are severely grazed by livestock to the detriment of deer forage and deer". A lack of proper management due to lack of access is suggested by that statement. Will BLM receive any better cooperation from the Air Force in the future?

24 ⑭ 6. Page 4-10. Recreation. We question whether or not the dollar value of $15.00 used in estimating the surplus value per hunter day is high enough. Recent data developed by NDOW suggest that bighorn hunting has an economic value

24 ⑭ of $140 per day. Although deer are unlikely to have a value as high as that of bighorn sheep, we believe that $15 probably represents an underestimate of the current economic value of deer.

25 ⑩ 7. Page 4-13. Potential Mitigation Number 4. The allowing of hunting on an additional 26 square miles of Stonewall Mountain cannot offset the loss of 89,600 acres (140 square miles) of land. The Department, through a Five-Party Agreement, has been pursuing the Stonewall Mountain access issue for some time without resolution.

8. Page 4-13. Potential Mitigation Number 5. The recommendation for the installation of bird guzzlers in the Tule Desert certainly can be supported in terms of Gambel's quail. As far as chukar partridge are concerned, 26 ⑮ the Tule Desert is marginal. A better alternative would be to locate guzzlers in the Pahranagat Range, possibly in the Worthington Hills, the Golden Gate Range or the Seaman Range. Some of these guzzlers could be designed not only to provide water for birds and small game, but bighorn sheep as well. Another important question is that of the dollar loss for a natural spring that is no longer accessible to the public. It appears that the Air Force is not establishing a fair value for the loss of these springs to the public. Replacing natural water with man made waters on a one-for-one basis is inadequate. The attendant riparian areas and their values are not even identified or considered in this analysis. Replacement in proportion to flow rate may represent a more reasonable mitigation.

9. Page 4-13. Potential Mitigation Number 7. We question the validity of the figure of 6,400 acres of vegetal manipulation for the Mormon Mountains. The Nevada Department of Wildlife could not support such an undertaking at this point in time.

10. Page 4-15. Potential Mitigation Number 8. The idea of expanding the land areas at Kirch and Key Pittman wildlife management areas through cooperative efforts with BLM is already in the action phase. 27 ⑯ The Air Force is offering nothing new on this matter. The possibility of obtaining private lands adjacent to those areas was not even considered in the EIS. These private lands offer the best potential for wildlife management area expansion including public use.

28 ⑰ In summary it is felt that the EIS does not properly address the dollar value of 89,600 acres of public land. The Air Force should be expected to evaluate the worth of this land at current real estate values and provide appropriate mitigation which would be commensurate with the established value of the withdrawn lands. It is felt that the values derived will surely prove to be much more than about a dollar per acre.

The public lands of the State of Nevada are one of its greatest natural resources. They offer a diversity of habitats for wildlife of all types which provide for a variety of public uses. Therefore, the Department remains steadfast in its belief that the Groom Mountains should remain under multiple use management. If public use has to be totally excluded from the area, for whatever purpose, substantial and appropriate mitigative measures are certainly in order.

Sincerely,

Willie

William A. Molini
Director

COP:sb

cc: Regions
Commissioners
Rose Strickland

*Division of State Lands*
State Land Office
State Land Use Planning Agency
(702) 885-4363

*Address Reply to*
Division of State Lands
201 S. Fall Street
Capitol Complex
Carson City, Nevada 89710

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

# Division of State Lands

December 19, 1985

MEMORANDUM

TO: John Walker, State Clearinghouse

FROM: Mike Del Grosso, Land Use Planner

SUBJECT: SAI NV #85300070 (Groom Mountain Land Withdrawal DEIS)

We have reviewed the Groom Mountain Land Withdrawal DEIS. We note that the DEIS is being required by Congress as part of their consideration of a continued withdrawal of 89,600 acres in Lincoln County. We cannot condone the manner in which the Air Force seized control of these lands without going through appropriate withdrawal procedures. Cumulative impacts of military air and land restrictions on the state, its citizens, and on local units of government are increasingly serious.

The withdrawal will directly impact Lincoln County by removing almost 90,000 acres from potential economic use. The existing non-military uses of the area which will be allowed to continue, livestock grazing and mining, are small, but even these uses are also in jeopardy. While permission has been granted to existing operators, there is no assurance that these uses may not be terminated at any time the Air Force feels national security is at stake. National security is, of course, of paramount importance, but this promotion of national security will adversely affect Lincoln County.

We note that PL 98-485 which authorized temporary withdrawal calls for an Environmental Impact Statement which "...shall include a description of and recommendations concerning measures to mitigate the impact of such a continued or renewed withdrawal on opportunities for outdoor recreation, mineral exploration and development, and agriculture in Nevada."

While the DEIS is very well done, it does not address all potential long-range impacts as fully as it should. Perhaps partially as a result of this, most of the mitigations proposed are not being recommended for implementation. Some that will be proposed do not help Lincoln County or do not require any action by the Air Force. Only one measure could be considered mitigation. This is the proposal to construct sixteen (16) quail guzzlers in Lincoln County outside of military withdrawal areas to benefit quail and other small animals. This mitigation will be to replace the sixteen springs on Groom Mountain that will be lost from hunter access.

29 ⑱ We note specifically that Lincoln County is presently maintaining solely at its own expense the access road from Rachel to the area. Since the road is not paved, the county must grade it regularly, at considerable expense. In addition, the Air Force sometimes closes the road at its lower end, forcing those using it to backtrack and use a longer, more circuitous route. The county has asked the Air Force to either keep the road open or work out a method of notifying people when it will be closed. The present method is not working satisfactorily. The county has also asked the Air Force to either pave the road or contribute funds to the county so that the county can do so, thereby reducing maintenance costs. The DEIS rejects this as a mitigation. Lack of Air Force cooperation on these two matters, which must be viewed as minor by the federal government but are very important to Lincoln County, is difficult to understand.

30 ⑲ It appears that the mitigation measures proposed fall considerably short of what is appropriate, lack creativity, and do little for the benefit of Lincoln County. The proposed mitigations also fail to satisfy the directive in PL 98-485 which calls for appropriate and meaningful considerations.

We suggest that the Air Force relook at the mitigation measures and develop appropriate mitigations which will help compensate Lincoln County and Nevada from the adverse impacts, both existing and potential, the withdrawal will have. Particular focus should be towards measures which will be of economic benefit to Lincoln County.

We thank you for the opportunity to comment.

JMD:jsd

50th Anniversary
Nevada State Parks

**Division
of
State
Parks**

John Richardson
Administrator

Room 119
Nye Building
201 South Fall Street
Capitol Complex
Carson City
Nevada
89710

702/885-4370

Richard H. Bryan
Governor

A division of the
Department of Conservation
and Natural Resources

Roland D. Westergard
Director

[illegible]
DEC 16 1985
[illegible] COMMUNITY SERVICES

MEMORANDUM

To: John Walker    Date: 12/13/1985
From: Steve Weaver
Re: Groom Mountain Range USAF Land Withdrawal Comments

The Division of State Parks has reviewed the draft EIS for the above mentioned project and was represented at the public meeting in Caliente on November 19, 1985. Accordingly, the Division has a number of comments to submit.

31 ⑳ In general, the division contends that there will be both long and short term effects on recreational users in Nevada as a result of implementing the proposed action. Furthermore, it is our contention that the Air Force has grossly underestimated the impact and utilized this underestimate to justify its refusal to provide non-hunting recreation mitigation measures.

32 ㉑ Although recent recreational use may seem low, the potential for use is high considering the population growth. As the population grows, the demand for recreation facilities and outdoor experiences will increase proportionately, if not at an even higher rate. This phenomenon was apparently never considered.

33 ㉒ The Division also disputes the use of the $15 "surplus value per hunter day" as the basis for determining the economic impact of recreational opportunities lost. Travel costs and on-site expenditures provide a much more accurate estimate of the economic impact. But, even the $33 (1985 dollars) per day value attributed in the EIS for such expenditures appears to be a bit low. The 1980 "Economic Impact of Outdoor Recreation in Nevada" study quantifies this value at $35 per day in 1979 dollars. Accounting for inflation over the last six years would thus indicate a true economic impact more than twice the $41,400 per year estimated in the EIS. If one considers the potential loss due to increasing recreational demands, the detrimental economic impact will approach $2 million before the turn of the century.

The Air Force maintains that the $4-25 million dollar purchase of private lands in Red Rock Canyon in Clark County cannot be justified on the basis of estimated recreation use lost. However, there are a number of perhaps more viable mitigating measures that could and should be considered.

34 ㉓ A prime example would be funding of a feasibility study and rehabilitation of Kershaw-Ryan State Park in Lincoln County. The current estimate for rehabilitation is about $1 million. Such action would benefit local citizens, as well as, the state as a whole. Improvement of other federal, state, county or local recreational site improvements are also a viable possibility.

35 ⑪ The Air Force insists in section 2.2 of the document that a reduction in the proposed withdrawal area is impossible due to national security requirements. The Division questions the need to completely eliminate all public access, particularly on the eastern perimeter of the withdrawal area.

36 ⑮ The Division also questions the mitigation measures that are proposed for game habitat in the Groom Mountain Range area. Specifically, we question the development of a guzzler system as replacements for the loss a spring. A guzzler works well in a wet year and will benefit small game and bird populations. But, in a drought year the wildlife populations will not benefit from these installations. Rather, a guzzler system must be supplemented by a well and pump system to guarantee the water for the wildlife populations.

In summary, the Division is not opposed to protecting "national security." However, we cannot support the withdrawal unless adequate mitigation steps are taken to insure the replacement of recreational opportunity losses. Withdrawal without mitigation will only exacerbate the already overwhelming impact that military withdrawals are having on this state. In addition, such action would even further strain relations between Nevada citizens and the military.

SW:sw
801.3d
groommtn.doc

cc: Allen Newberry

RICHARD H. BRYAN
*Governor*

STATE OF NEVADA

ROLAND D. WESTERGARD
*State Historic Preservation Officer*

**DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES**
DIVISION OF HISTORIC PRESERVATION AND ARCHEOLOGY
201 S. Fall Street
Capitol Complex
Carson City, Nevada 89710
(702) 885-5138

December 13, 1985

MEMORANDUM

TO: John Walker, Office of Community Services

FROM: Alice M. Becker, Staff Archeologist Alice M. Becker

SUBJECT: GROOM MOUNTAIN LAND WITHDRAWAL DEIS, SAI NV #85300070.

The Division has reviewed the draft EIS. A six percent survey of the Range was conducted to determine the nature and significance of historic, archeological, and cultural resources of the Groom Mountain area. The Division has not received the cultural resource report resulting from this work, however, the DEIS indicates significant historic properties exist. When completed, the report should be sent to this office for review.

37 ㉔ We concur with the recommendations made within the DEIS. This office, the BLM, and the U.S. Air Force need to establish guidelines delineating cultural resource responsibilities: for example, determining the lead agency for Air Force initiated undertakings such as fencing the boundaries or for spring improvements to aid livestock and wildlife which may be initiated by the BLM.

A liaison officer with accountability for cultural resources should be designated and a procedure for consultation agreed upon. The archeological and historical sites discovered by the consultant must be evaluated for National Register significance. The Air Force should determine the eligibility of these sites for inclusion in the National Register and request the Division's concurrence. The Groom Mine is of particular importance as it relates to understanding mining history in the area. It should be formally nominated to the Register.

If the U.S. Air Force has any questions regarding these comments or in regard to historic preservation laws and regulations, in general, please ask Air Force staff to call us.

AMB/de

STATE OF NEVADA
DEPARTMENT OF AGRICULTURE

MAILING ADDRESS
MAIL ROOM COMPLEX
LAS VEGAS, NEVADA 89158

SOUTHERN DISTRICT OFFICE
2300 McLEOD DRIVE
LAS VEGAS, NEVADA
TELEPHONE (702) 386-5256

December 24, 1985

Capt. Donald Zona
HQ TAC/DEEV
Langley AFB, VA 23665

Dear Captain Zona:

In reviewing the Draft Environmental Impact Statement on the Groom Mountain Range in Lincoln County, Nevada, there are several concerns which arise. 38 ⑳ This Draft EIS exemplifies the general trend in Nevada to withdraw from the public large tracts of Federal multiple-use land and designate these lands restricted and dedicated to specific uses, thus impacting the present citizens and to an even greater extent, the future larger populations who will have less opportunities to enjoy and utilize Nevada lands. Surprisingly few of the suggested mitigations were found feasible. The proposed mitigations and others suggested need to be further investigated and other options and plans solidified.

39 ㉕ A specific agreement with D-4 Enterprises which delineates his right to graze all land within the withdraw area must be promulgated.

Further communication with the Nevada Department of Wildlife is necessary. Air Force funding must be made available to purchase private lands adjacent to existing Wildlife refuges or Federal lands converted to State Wildlife protection areas, as recommended by Nevada Department of Wildlife. This agreement should also contain a contingency plan which allows monitoring of wildlife populations within the Groom Mountain area and, if necessary, allows a controlled harvest of surplus game by offering tags to Nevada citizens with appropriate Security Clearances and supervised by Nevada Department of Wildlife personnel with appropriate clearances.

The existing mining interests need an agreement which allows for continued ownership with all historic rights preserved, with fair appraisal and resulting compensation during withdrawal period. Also, access during this period for maintenance and upkeep of production facilities must be provided.

40 ㉓ Funds and land should be also made available to State Parks for further expanse of park sites or repair and rehabilitation of damaged park sites, i.e. Kershaw-Ryan State Park near Caliente, Nevada.

Sincerely,

Thomas E. Smigel

Thomas E. Smigel,
Regional Coordinator

TES:ml

cc: Thomas W. Ballow

## 2.3 LOCAL AGENCY COMMENTS

**Board of County Commissioners of Lincoln County, Nevada**

COUNTY COMMISSIONERS
GAIL ARMSTRONG
LENARD SMITH
KEITH WHIPPLE

P.O. BOX 329 PIOCHE NEVADA 89043
TELEPHONE (702) 962-5185

DISTRICT ATTORNEY
EILEEN BARNETT
COUNTY CLERK
ESTHER F. COLE

Captain Donald Zona
HQ TAC/DEEV
Langley AFB
Virginia 23665-5001

December 6, 1985

Re: Groom Mountain Range
Land Withdrawal (DEIS)

Captain Zona:

Representatives of the USAF were presented with written comments regarding the above encaptioned matter at the public hearing held November 19, 1985 in Caliente, Nevada which were signed by Lincoln County Commissioners Lenard Smith and Gail Armstrong.

We would like to add to those comments the following corrections and information:

First, we would like to strike the phrase "outdated assessment" since more recent information indicates that this is not strictly true.

41 ⑱ Secondly, referring to Mitigation Number 12 - it is indicated in the DEIS that paving the Access road from Rachel to NTS would cost $160,000 per mile. Lincoln County is willing to provide man-power and equipment to pave this road if the Air Force would provide materials, reducing the cost of such improvements greatly. The quality of road requested is of the 'Farm to Market' variety and could be accomplished at a cost of approximately $50,000 per mile.

In view of the large area of land removed from public use as well as the potential value of this area to Lincoln County we hope that further consideration will be given to this requested mitigation measure.

Sincerely,

Keith Whipple, Chairman
Lincoln County Commissioners

sd/KW
cc: Clerk's Office

---

**PIOCHE TOWN BOARD**

Box 35 Pioche, Nevada 89043

December 4, 1985

Capt. Donald Zona
HQ TAC/DEEV
Langley AFB, VA 23665

Dear Capt. Zona:

In regard to the Groom Mountain Range Land Withdrawl, the Pioche Town Board would like to submit the following comments regarding economic impact to Lincoln County.

The Pioche Town Board would like to suggest one more possible idea concerning mitigation of the economic impact on Lincoln County.

During the early 1970's the United States Air Force had a contingency of personel in Lincoln County. The personel manned the Caliente Electronic Warfare Range and provided the Lincoln County economy with a much needed infusion. Later in the 1970's this contingency was withdrawn and the activities that they conducted along with the personel were transferred to the Tonopah area.

42 ㉖ The withdrawl of the Groom Mountain Range Land will have an economic impact on Lincoln County, that impact could be offset by re-assigning military personel or military contractors to Lincoln County. It seems to us that this would not require any additional budget increases, and could be done within the Air Forces' existing budget. Because of the severe economic depression of Lincoln County's economy this reassignment of personel would have a tremendous impact.

It is our hope that if the land is withdrawn the Air Force would adopt some mitigation plan to help offset the economic loss to Lincoln County.

Thank you for considering our suggestion and if any additional information is needed please do not hesitate to call.

Sincerely,

THE PIOCHE TOWN BOARD

Ben Bender
Ben Bender, Chairman

Felix Murrin
Felix Murrin, Member

John Christian III, Member

## 2.4 PRIVATE ORGANIZATION COMMENTS

**President**
Gene L. Gerdes
2775 Lone Tree Road
Fallon, Nevada 89406
Phone: 423-6929

**Sec.-Treas.**
Judi Curran
4170 St. Clair Road
Fallon, Nevada 89406
Phone: 867-2239

**Vice-President**
Zolan E. Tanner
2221 Rigney Lane
Las Vegas, Nevada 89115

NEVADA TRAPPERS ASSOCIATION

**Fur Manager**
Jim Curran
4170 St. Clair Road
Fallon, Nevada 89406
Phone: 867-2239

November 8, 1985

Captain Donald Zona
HQ TAC - DEEV
Langley Air Force Base, Virginia 23665

Dear Captain Zona:

Would you please send a copy of your Environmental Impact Statement (or other environmental document) pertaining to the Groom Range addition to the Nellis Air Force Base Bombing and Gunnery Range, Nevada. Thank you.

Sincerely,

Gene L. Gerdes

Gene L. Gerdes
President

---

**President**
Gene L. Gerdes
2775 Lone Tree Road
Fallon, Nevada 89406
Phone: 423-6929

**Sec.-Treas.**
Judi Curran
4170 St. Clair Road
Fallon, Nevada 89406
Phone: 867-2239

**Vice-President**
Zolan E. Tanner
2221 Rigney Lane
Las Vegas, Nevada 89115

NEVADA TRAPPERS ASSOCIATION

**Fur Manager**
Jim Curran
4170 St. Clair Road
Fallon, Nevada 89406
Phone: 867-2239

December 23, 1985

Captain Donald Zona
HQ TAC/DEEV
Langley Air Force Base, Virginia 23665

Dear Captain Zona:

Following are our comments regarding Draft Environmental Impact Statement (DEIS), Groom Mountain Range, Lincoln County, Nevada, October 1985. The above document is deficient in its treatment of furbearing resources, uses of these resources and mitigation measures for same.

43 ㉗ While the DEIS does list primary furbearer species present within the area the document fails to provide estimated numbers, trapping use and future potential uses of furbearers. We believe this information is available and should be included in the report.

Further, mitigation measures proposed in the DEIS are completely inadequate regarding loss of this area to trappers. 44 ⑨ We suggest the Air Force allow limited and controlled trapping not only on the Groom Range but within selected portions of the Nellis Air Force Range (NAFR). With so few individuals involved as trappers this certainly would not compromise security, training or testing programs in NAFR. We would be happy to work with you to develop such a program.

On November 8, 1985 I wrote you requesting a copy of the above report. At the time that I write this I have received nothing from you. This has entailed additional time and expense in locating and reviewing the DEIS. I am more than disappointed at this inaction on your part.

Sincerely,

Gene L. Gerdes

Gene L. Gerdes
President

cc: Nevada Department
of Wildlife

Citizen Alert
AN INDEPENDENT INFORMATION SOURCE FOR NEVADANS
P.O. BOX 5391
RENO, NEVADA 89513
(702) 786-4220
P.O. BOX 1681
LAS VEGAS, NEVADA 89125
(702) 382-5077

BOARD OF DIRECTORS
STEPHEN BLOOMFIELD
Reno, Nevada
JO ANNE GARRETT
Baker, Nevada
KIT MILLER
Carson City, Nevada
CYNTHIA MITCHELL
Reno, Nevada
SUSAN ORR
Washoe Valley, Nevada
CARO PEMBERTON
San Francisco, California
BILL ROSSE
Austin, Nevada
VIRGINIA SANCHEZ
Duckwater, Nevada
DON SPRINGMEYER
Gardnerville, Nevada
JUDY TREICHEL
Las Vegas, Nevada
JON WELLINGHOFF
Reno, Nevada
STAFF
BILL VINCENT
Las Vegas Office
BOB FULKERSON
Executive Director
MARLA PAINTER
Special Projects

Dec. 18, 1985

Capt. Donald Zona
Hdqs., Tactical Air Command/DEEV
Langley AFB, VA 23665

COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE GROOM MOUNTAIN RANGE LAND WITHDRAWAL:

We strongly object to the recommendations for mitigation contained in the Impact Statement. We feel it is totally inadequate compensation for Nevada and its residents for the loss of the use and development of a valuable resource for a period of 25 years or more.

You propose a mitigation valued at only $88,000, which amounts to less than $1 an acre for the 89,600 acre withdrawal. This is proposed on the basis of building one bird guzzler for each of the 16 springs on the Groom Range. But one guzzler does not equal one spring and its riparian habitat which supports a variety of vegetation and wildlife.

45 (15) The Nevada Department of Wildlife (NDOW) had plans to establish a gene pool of bighorn sheep in the Groom Range. The withdrawal kills this opportunity to increase the bighorn population in the state. Groom also supports mule deer, including trophy-size bucks, but the Statement recommends against developing big game water sources in other ranges in Lincoln County, to compensate for this loss, because of a price tag of between $270,000 and $540,000. In view of the importance of Groom Range to the Air Force and to Nevadans, this would seem like a modest mitigation.

The Air Force does look with favor on a Mitigation No. 8 which would transfer BLM land, described in the Statement as "...well-suited for water-based wildlife management...", to the NDOW's Sunnyside wildlife refuge land.

46 (28) But this shifts the mitigation burden from the Air Force to the BLM. The Air Force would not be paying for land withdrawn for its security requirements. Also, the land under consideration is dry, without water resources, and a transfer would only serve as a buffer to commercial development.

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47 (16) A real and fair mitigation would be the purchase for the state of the farm adjacent to Sunnyside. It has irrigation rights and amenities such as trees and potable water for camping areas which would enhance the wildlife refuge.

48 A very serious concern of Citizen Alert is the Air Forces treatment of Pat and Bob Sheahan, owners of the Groom mine. In the Committee of Interior and Insular Affairs' report, dated Sept. 24, 1984, recommending passage of H.R. 4932 - the Groom withdrawal - it was stated that the withdrawal "...would be subject to valid existing rights, including mineral and other leases and rights."

This recognition of private property rights was reaffirmed Jule 6, 1984 in a letter from James Boatright, Deputy Assistant Secretary of the Air Force, to Pat Sheahan. He wrote "Your legal rights to own, operate and sell your mine are not affected by the proposed land withdrawal...We would not deny access to your family, any of your employees or business visitors."

(29) Only ten days later, July 26, 1984, Mr. Boatright wrote of "...minimizing the number of visitors...", in effect cancelling his previous commitment. He further said the Air Force "...will allow you to retain ownership but will prohibit you from actively working the mine." He added that "...you and your family will be permitted continued access to the mine for a limited number of family gatherings." Thus limits were placed even on the Sheahan family's use of their own property.

In 1985 the Air Force proposed a lease or temporary easement for five years, and in a letter dated Oct. 10, 1985 said this "...would prevent use of the surface...except for scheduled visits by the legal owners..." and "...would necessarily prevent mineral extraction operations in any substantial quantity."

These letters are quoted to show the arrogant duplicitous way the Air Force has delt with the Sheahan family. It is a sad day, indeed, when our government becomes an aggressive antagonist against its own citizens, denying them basic rights and offering totally unfair compensation for what amounts to confiscation of their property.

A final note of dissatisfaction with the handling of the withdrawal. I asked Col. Bob W. Smith, Air Force liaison officer with the Department of Energy, for photographs of the withdrawal area. He supplied seven, all of the lower basins and foothills.

49 (30) There was no photos of Bald Mountain, the big game habitat or the forested areas where the Sheahans have a timber right dating back to the 1800s, a right not recognized in the Impact Statement and its list of mitigations.

50 (31) One photo showing a concrete structure was identified as the "Historic NTS guard house foundation in front of the Groom mine area..."

For your information this is the remains of a stock watering trough built by a Mr. Jockey Hale of St. George, Utah in the late 1920s or early 1930s. Around it are signs of the old corral.

We have a right to expect a better performance from our government on a withdrawal of the significance of Groom Range.

Bill Vincent
Southern Coordinator

---

**Pioche Chamber of Commerce**
P. O. BOX 127
PIOCHE, NEVADA 89043
(702) 962 - 5544

Captain Donald Zona
HQ TAC/DEEV
Langley Air Force Base
Virginia 23665

December 12, 1985

Re: Groom Mountain Land Withdrawal

Dear Captain Zona:

The Pioche Chamber of Commerce of Lincoln County, Nevada would like to go on record as supporting several of the mitigation measures presented in the DEIS as it pertains to the Groom Mountain Land Withdrawal.

The area of land in question is one of potential revenues for Lincoln County. Since the most heavily impacted area of this question is one of economics, the mitigation measures we are requesting concern this same area of economics.

Firstly, Mitigation Measure Numbers 12 and 13 concerning the improvements to the Nevada Test Site/Rachel Road and the Kane Springs road, respectively, we feel strongly that these measures are in keeping with the large area of land to be withdrawn from multiple use by the citizens of our area. This is especially true in light of the fact that the Lincoln County Commissioners have offered to provide manpower and equipment to accomplish these improvements.

51 (26) It is our further suggestion that it would help to alleviate the future economic impact to Lincoln County if the Air Force would, once again, base military personell in our county. Our experience in years past with Air Force personell was a happy one and we would welcome the opportunity to renew this relationship.

The people of Nevada in general and in Lincoln County specifically have always been proud to support our Armed Forces, we are proud to be able to continue to do so, however, we feel it is only just and fair that our problems and needs receive just consideration as well.

Sincerely,

Mary Louise Christian, President
Pioche Chamber of Commerce

**NEVADA WILDLIFE FEDERATION, INC.**
*An Affiliate of the National Wildlife Federation*
820 EAST SAHARA AVENUE / LAS VEGAS, NEVADA 89104

December 22, 1985

Captain Donald Zona
Hq TAC/DEEV
Langley AFB, Va. 23665

Dear Captain Zona:

Thank you for the opportunity to respond to the Groom Mountain Range DEIS. You will recall that the Nevada Wildlife Federation has been very critical of the USAF's early approach to securing the Groom Area, and excluding public use. We have not questioned the need for security for the Groom Lake area, and basically we support the military's program in Southern Nevada. However, public relations wise, we feel the USAF should be doing a better job. The DEIS gives short shift to an opportunity to improve.

In that respect, we take exception to the fact that the Air Force has guaranteed right of access to the current permitee of the grazing allotment (pg4-9), but the Department of Wildlife (DOW)
52 would not be able to conduct follow-up surveys in the area. It appears to us that if the Groom Range offered DOW the opportunity to study an unhunted mule deer population, that a cooperative USAF-DOW-BLM project could be undertaken. ("studies of this magnitude are not possible in other areas since management practices seldom preclude all hunting over such a large area" pg4-8) Only joint field
⑨ work need be authorized. Not only would wildlife management's data base be strengthened, good public relations would evolve. We are sure DOW personnel could receive security clearance.

The same opportunity is offered in the possible desert bighorn sheep introduction. Gathering biological data as the population expands and, years down the road a cooperative trapping and removal program if warranted, would be another substintive wildlife and public relations project.

CONSERVE OUR NATURAL RESOURCES

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In regard to the buffer zone (Groom Mountain Range), to just say "any follow-up personnel and activities would not be acceptable to the Air Force" (pg4-15) treats a potential significant wildlife opportunity too casually. We assure you we do not denigrate the objective of security for the Groom Lake Area. I am sure the Nevada Wildlife Federation would consider these cooperative efforts as restitution and mitigation.

53 ⑯ Since the hunting public is loosing access to public lands, the mitigation effort should include the purchase of private lands having wildlife values, thereby offsetting that loss. We do not feel that considering BLM land in exchange can qualify as mitigation. The DOW and BLM can handle those types of land transactions between themselves.

Our other comments include:

54 ㉜ On page 4-9 Grazing; change line 8 of the first paragraph to "grazing privileges" rather than "grazing rights", to reflect the statutes.

On page 4-13: the additional 26 square miles of the Stonewall Mountain will be a welcome boost to bighorn sheep hunting. We
55 ㉝ feel that the south end of Stone Cabin valley (west of the Kawich Range) should be opened for two or three weeks a year for antelope hunting.

On page 4-13; the construction of sixteen guzzlers in the Tule Desert will be helpful in creating chukar and quail populations outside the Groom area. Yet, while it addresses the game bird recreational loss, these guzzlers do not replace the loss of public access to the riparian areas associated with the natural springs and seeps.

Sincerely yours,

John A Leitch

John A. Leitch, President

cc: Governor Richard Bryan
Will Molini, Director, NDOW
Members Board of Wildlife Commissioners
Congressmen Reid and Vucanovich
Senators Hecht and Laxalt
Congressman John Seiberling

**HOWARD HUGHES DEVELOPMENT CORPORATION**

Richard P. Bonar
Vice President

December 26, 1985

Captain Donald Zona
Headquarters, Tactical Air Command/Deev
Langley Air Force Base, Virginia 23665

Dear Captain Zona:

I am writing on behalf of Howard Hughes Properties (HHP) to comment on the Air Force draft EIS for the continuation of the Groom Range withdrawal. HHP does not object to the preferred alternative so long as adequate mitigation measures are offered. However, one of the most logical mitigation measures described, the acquisition of private lands in the vicinity of Red Rocks Recreation Area, has been dismissed.

56 (75) I would like to take this opportunity to respectfully request that this mitigation proposal be reconsidered. This acquisition, if partially or fully funded by the Air Force, could receive widespread support as adequate compensation to the citizens of Southern Nevada for the loss of lands in the Groom Range.

The 89,600 ± acres proposed for permanent withdrawal by the Air Force is a large piece of real estate. The draft EIS addresses environmental, archaeological and economic impact concerns adequately but does not deal sufficiently with future recreational impacts. Though a limited number of recreationalists from Lincoln County may suffer from the Groom Range withdrawal today, the real losers are the future citizens of the Las Vegas Valley whose outdoor recreational needs, due to population growth, will increase expotentially, while at the same time, military expansions such as the Groom Range withdrawal will shrink the number of recreational acres available for their use.

The Air Force's draft EIS does acknowledge on page 2-2 that "... as the eastern and southern Nevada populations grow, the potential demand for these opportunities would also grow and would have to be met with existing resources elsewhere." Mitigation measures relative to this statement, however, are not addressed. If recreational acreage is lost, then compensating acreage elsewhere should be acquired -- if not on a direct acre for acre basis, at least on the basis of a smaller quality area which has equal or superior recreation potential and a similar overall land value.

Howard Hughes Development Corporation, an Affiliate of Summa Corporation
4045 South Spencer Street, Las Vegas, Nevada 89119 Area Code 702 733 0123
Mailing Address: Post Office Box 14000, Las Vegas, Nevada 89156

According to a number of experts, the lands owned by HHP adjacent to the Red Rocks Recreation Area constitute just such an area. The Red Rocks Recreation Area itself represents one of Nevada's most valuable natural treasures and accordingly, lands abutting this natural landmark should be acquired for the public good. The Red Rock Recreation Area is historically significant and would be more accessible and useable than the Groom Mountain Area to Nevada and the nation's public. If it is possible to link together the issues of public acquisition of a portion of Husite and the Groom Mountain withdrawal, all parties can benefit. HHP has already been approached by the Bureau of Land Management and numerous conservation groups in this regard.

Strong support for this concept has also been expressed by city and county governments as well as by members of the Nevada delegation in Washington.

Though exact acreage amounts and land values have not yet been determined, Howard Hughes Properties is working in cooperation with the Nature Conservancy to make available for sale up to 5,000 acres of the west edge of Husite to add to the management area of the BLM as an expansion of the Red Rock Recreation Area (see attached map).

It is HHP's intention to make an initial portion of the area in question available for sale to the public sector, however, it has been found that the extent of funding potentially available for acquisiton is not at a level sufficient for even an incremental purchase.

Most, if not all of the 5,000 acres is not considered environmentally sensitive, but the area is considered important to visually protect and provide reasonable public access to the environs of the Red Rock Recreation Area and Brownstone Canyon, a site listed on the National Historic Register. This 5,000 acres can also provide enhanced active and passive recreational opportunities. Therefore, it is already clear that inadequate funding threatens even the serious consideration of this important acquisition. However, the project would be made more viable if the Air Force were to establish a fund for the 89,600 acres withdrawn at Groom Mountain. This fund would be earmarked for the purchase of land in the vicinity of Red Rocks.

This measure would have the added benefits of:

1) Helping to protect the most scenic and recreational landmark in the Las Vegas Valley.

2) Compensating the future residents of the Las Vegas Valley for the lands which are being withdrawn today.

3) Assisting in the success of one of the most politically popular conservation measures in Nevada.

4) Showing the citizens of southern Nevada in particular that the Air Force is concerned about participating in their community as a good neighbor.

5) Demonstrating that the Federal Government's strong influence over Nevada's future can be positive as well as controversial.

There is some concern expressed in the EIS that Clark County would be upset by a loss of tax revenue resulting from a Red Rocks purchase. Though this is important to note, many community leaders have expressed that the benefit of protecting the scenic and recreational beauty of the Red Rocks Recreation Area easily outweighs a small reduction to the future tax base considering that HHP is planning an orderly development of Husite which is projected as a significant addition to the local tax base.

With these factors in mind, I would urge that the Air Force reconsider allocating monies to the acquisition of private lands at Red Rocks as a suitable mitigation for the continuation of the Groom Range withdrawal.

Developable Husite property is being made available for public acquisition at this time, however, it must be noted that it is only prudent for that land to be "off-the-market" during this negotiation for only a reasonable period of time. If funding of the acquisition can be assured through whatever combination of sources and that an acquisition can be concluded within an agreed upon time, we will be pleased to continue this offer.

Please do not hesitate to contact me if you would like more information about this concept.

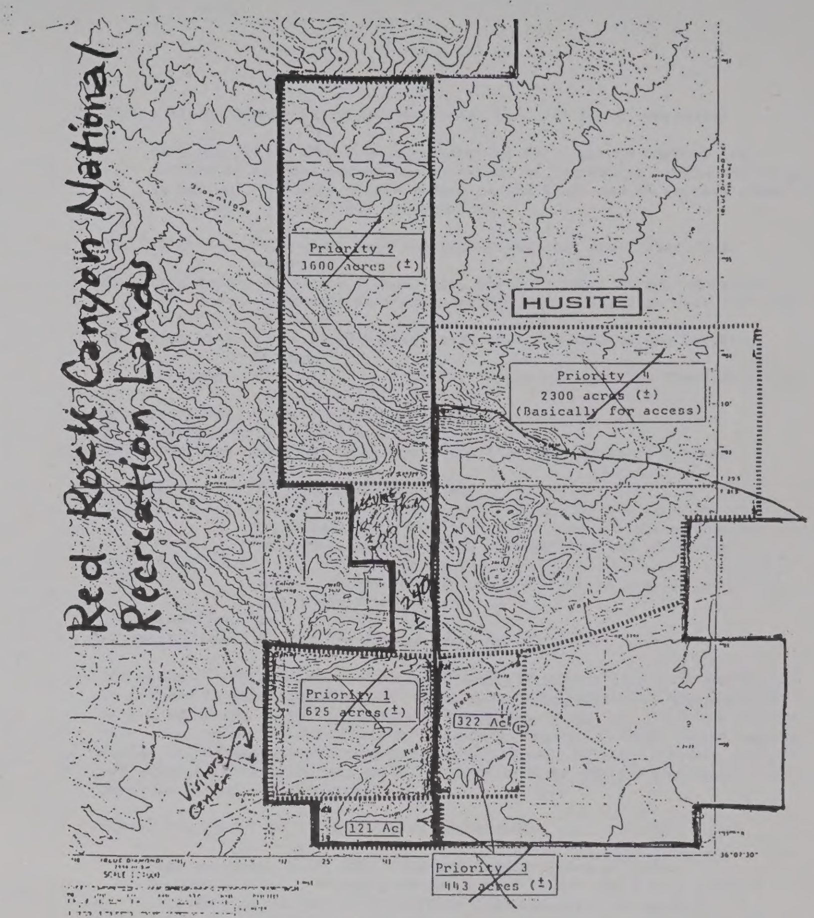
Respectfully submitted,

Richard P Bonar
Richard P. Bonar

RPB:bjk

attachment

cc: Thalia Dondero
Ron Lurie
Ashley Hall
Pat Shalmy
Congressman Harry Reid
Congressman Barbara Vucanovich
Senator Chic Hecht
Senator Paul Laxalt



LA MADRE MTN., NEV.

LEGEND:

▬ Boundary of Parcel 1 proposed for sale.
⋯ Boundary of Parcel 2 proposed for sale &/or exchange.

EXHIBIT "A"

Part 1 of 2

**SIERRA CLUB**
Toiyabe Chapter – Nevada and Eastern California

December 28, 1985

Captain Donald Zona
HQ TAC/DEEV
Langley AFB, Va. 23665

Dear Captain Zona:

The Sierra Club has participated in Congressional, Scoping, and EIS hearings on the Groom Mountain Range land withdrawal. Written comments are being provided on the EIS. Oral statements have been made at both the Scoping and EIS hearings in Las Vegas. A written proposal covering a proposed mitigation measure for the land withdrawal has previously been supplied at the Scoping hearing.

The previous statements and comments from the Sierra Club and its members have focused on the legality of the land withdrawal, the environmental impacts, and possible mitigation measures. These items will be covered again for the record in the context of whether the present EIS is adequate in analyzing the impacts of the land withdrawal on the environment and on the coverage of the mitigation measures.

Public law 98-485 (October 17, 1985) granted the Air Force temporary authority to restrict public access to 89,600 acres of BLM land east and northeast of Area 51 of the Nellis Air Force Range. As previous testimony has pointed out, this land has been deemed by the Air Force as being important for the national defense.

> The decision to control access was made at the local level after consultation with local Bureau of Land Management officials and after Headquarters, Air Force conferred with the Air Force Scretariat. After the controls were implemented, briefings were conducted for the appropriate personnel within the Offices of the Secretary of the Air Force and the Secretary of Defense. Additionally members of the National Security Council were also briefed. [Hearing before the Subcommittee on Public Lands and National Parks of the Committee on Interior and Insular Affairs, House of Representatives, August 6, 1984]

Testimony before the House Subcommittee on Public Lands and National Parks on August 6, 1984 included some discussion of the need to control access to the area for national defense purposes; however, a focus of the testimony was on the legality and manner in which the Air Force was attempting to restrict access to the BLM land. Specifically, the distinguished chairman of the subcommittee questioned: "Is it true that the Air Force has already acted to restrict public use of the Groom Range area?"

The honorable John O. Rittenhouse, Deputy for Installations Management, Office of the Deputy Assistant Secretary, U.S. Air Force responded:

> Yes, sir, it is true. We have asserted the right to control the surface access and egress to the extent of requesting people not to go in and out. We have people posted on the roads and at certain times we do not. We ask their cooperation.

Mr. Seiberling. Under what legal authority was that done, that right asserted?
Mr. Rittenhouse. As far as I know, sir, there is none; except decisions were made at a much, much higher level than mine that that be done.
Mr. Seiberling. There is no higher level than the laws of the United States.
Mr. Rittenhouse. No, sir. I understand, and we can describe that further if you would like, sir.
Mr. Seiberling. I would like.
Mr. Rittenhouse. In closed briefing
Mr. Seiberling. What has to be-why would that have to be in a closed briefing?
Mr. Rittenhouse. I can't discuss it, sir.
Mr. Seiberling. Shades of Watergate. All I am asking you is under what legal authority this was done. I am not asking you the technical reasons. That certainly is not classified.
Mr. Rittenhouse. . . . . as I stated earlier, originally we had no legal authority but we asserted the right to request people to not enter that area.
Mr. Seiberling. Now?
Mr. Rittenhouse. We legally did not have the authority.

The authority to withdrawal over 5,000 acres of public land from public use is covered by the Engle Act, and this requires Congressional approval for such a withdrawal. As the testimony above indicates, the Air Force did not have legal authority for their actions, and Congress through the passage of Public Law 98-485 authorized a two-year withdrawal of the land from public use with the provision that an EIS be developed to analyze the impacts and possible mitigation measures.

Public Law 98-485 in calling for an EIS stated:

> Such statement [EIS] shall include a description of and recommendations concerning measures to mitigate the impact of such continued or renewed withdrawal on opportunities for outdoor recreation, mineral exploration and development and agriculture in Nevada. Such measures shall include possible acquisition by the Secretary of the Interior (through exchanges or otherwise) of lands in Nevada suitable for outdoor recreational uses and possible increased mineral, agricultural, or recreational use of lands in Nevada withdrawn for military purposes.

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Among the alternatives discussed in the EIS and summarized in the briefing package for the public hearings in Caliente, Alamo, and Las Vegas, Nevada in November, 1985 is:

- o Renew withdrawal of less than 89,600 acres
  - o Siting Analysis performed by BLM, using Air Force Security/Safety Criteria
  - o Not recommended

As indicated earlier, the decision to seize 89,600 acres had already been made prior to the EIS by " . . . local Bureau of Land Management officials and after Headquarters, Air Force conferred with the Air Force Secretariat. After the controls were implemented, briefings were conducted for the appropriate personnel within the Offices of the Secretary of the Air Force and the Secretary of Defense. Additionally members of the National Security Council were also briefed." The alternative "not recommended" from the EIS process represents nothing more than the decision that had already been made earlier by the same organizations that were responsible for the 89,600 acres being taken from the public domain; thus, the objectivity in evaluating alternatives can be questioned. Alternatives such as the withdrawal of public land on the mountaintops has been suggested previously, and the need for all 89,600 acres was questioned by the chairman of the Subcommittee on Public Lands and National Parks at the hearing on H.R. 4932. Without further clarification in the EIS on the guidelines used to evaluate the alternatives, it is impossible for an independent evaluation of the alternatives to be made.

57 ㉞

The Governor of Nevada, Richard Bryan, testified on H.R. 4932 before the Subcommittee on Public Lands and National Parks. Among the recommendations for mitigation of "the manner in which public land in Nevada is being appropriated by the Federal Government for defense-related activities." are:

> . . . that the Federal Government return to the State an acre of land of comparable value for every acre proposed for any type of permanent withdrawal or that some other method of compensation be mutually agreed upon.
>
> . . . that the funds be provided to the State and to local governments to assist in the review of these proposed withdrawals and to provide adequate land use planning activities.
>
> . . . that payment in lieu of taxes on such land be maintained and that these payments be based upon equity and real value.
>
> . . . that the Federal Government provide additional assistance to the affected localities, such as paving roads, maintaining air strips, upgrading recreational areas, and other assistance identified through public hearings and by working in concern with local elected officials.

The recommended mitigation measures identified in the briefing packet for the EIS hearings are:

- o Controlled access for current grazing permittee
- o Either subordination or controlled access for valid mining claim owners
- o Added bighorn sheep hunting on Nellis Range
- o Water guzzlers for game bird habitats
- o Expanded wildlife area (Sunnyside)
- o Management plan for wildlife/cultural resources
- o Archaeological survey for perimeter fencing

The estimated cost for the water guzzlers is $88,000. The expansion of the wildlife area represents a longstanding, continuing effort of the BLM. The proposed archaeological survey is really a mitigation measure for the building of a fence and not for the taking of 89,600 acres from the public domain. The apparent cost of the proposed mitigation measures is in the vicinity of $88,000 with other more costly mitigation measures such as the one suggested by the Sierra Club, i.e., the acquisition of private property near Red Rock, being rejected as too costly. As pointed out in the EIS hearing in Las Vegas, $88,000 for 89,600 acres of land is quite a bargain.

58 ⑰ The EIS failed to address the issue of the replacement value of the land that was illegally seized by the Air Force. This omission represents a major flaw in the entire EIS statement. As a consequence, many suggested mitigation measures were rejected because they were too costly. Without a consideration of the fair market value of the Groom Range lands in the EIS, virtually all of the decisions arrived at in the EIS for mitigation measures would appear to be arbitrary and capricious.

The Governor pointed out before the House Subcommittee: "We do know that this area will never again be accessible to the public and that another major chunk of land, Nevada land is lost." Nevada is projected to be one of the fastest growing states in the nation with southern Nevada being responsible for most of the growth. The Sierra Club has promoted the establishment of wilderness areas in the state to preserve something of what we have at the present time. The present remoteness of the Groom Range area to southern Nevada would imply that wilderness characteristics may exist in the Groom Range; yet, this area will probably never again be accessible to the public and "another major chuck of land . . . is lost".

59 ⑳ The issue of " . . . renewed withdrawal on opportunities for outdoor recreation . . ." [Public Law 98-485] was not adequately addressed, particularly with respect to future regional growth in recreation and wilderness experiences.

60 ⑰ While an evaluation of the future potential value of this land is difficult, it should be possible, at a minimum, to evaluate the present "economic" replacement value of the land. (What would the Air Force have to pay if they had to buy 89,600 acres of land in the Groom Range?)

61 ㉟ The EIS failed to adequately address many of the issues and mitigation measures that were raised by the Governor in testimony before the House Subcommittee on Public Lands and National Parks, e.g. acre-for-acre compensation. The concept of Santini/Burton as a possible mitigation measure was supported by Congressman Harry Reid before the House Subcommittee; yet, this proposal was not adequately considered because of the failure to assess the replacement value for the public land being taken out of the public domain. The testimony before Congress on the Groom Range is the foundation of the law that authorized the Air Force to do the EIS. It is inconceivable that the EIS could be written without a consideration of the foundation for Public Law 98-485 and the EIS.

The Nevada Department of Wildlife has proposed to: "establish a gene-pool herd of bighorn sheep on the Groom Mountain Range." This proposal was "not
62 ⑨ recommended" because it represented a "security compromise". How can access be permitted for grazing in the area for the BLM permittee; yet, access be denied to the Nevada Department of Wildlife to monitor and maintain wildlife populations and habitat in the area? Such a contradiction leads one to believe that the decisions on possible mitigation measures were arbitrary and capricious; further, it represents an insult to the personnel of the Nevada Department of Wildlife. If security clearances can be granted to those BLM employees, contractors, and permittees who have been in the area since it became a restricted area, what prevents personnel from the Nevada Department of Wildlife from entering the area?

The recommended mitigation measure to "Develop Groom Mountain Range Management Plan for Wildlife, Range and Cultural Resources" [Briefing packet for EIS hearings] was for Air Force and BlM Cooperation. No mention is made of the Nevada Department of Wildlife. Further, complaints have been lodged with the management of wildlife, e.g. wildhorses, on the Nellis
63 ㊱ Bombing and Gunnery Range by the Nevada Wildlife Federation and other. The actions and resources of both the BLM and the Air Force in managing wildlife have been limited in the past, and there is little to suggest in the EIS that the future management of wildlife on the Groom Range by these two agencies will be satisfactory. The omission of the Nevada Department of Wildlife represents an additional insult to the respected capabilities of the State's primary wildlife management department.

The discussion of "Potential Mitigation No. 11: Purchase Adjacent Private Lands to Expand Red Rock Recreation Lands in Clark County" is flawed. The analysis of the negative effect on the local tax base from the transfer of Summa Corporation lands to the Federal Government assumes that there is no interest on the part of the Summa Corporation or local officials in the transfer. The discussion assumes that local government officials would be opposed to the transfer because of a reduced tax base. The Sierra Club has met with representatives of the Summa Corporation and with local government officials, and there is a great deal of support for the transfer - even if it means a loss in tax revenue. The recreational and scenic values of the private land outweigh the economic potential.

In summary, Congressman Morris Udall, Chairman of the House Committee on Interior and Insular Affairs commented at the Hearing on H.R. 4932:

> We live in a country where we have a rule of law, and there has been a temptation in Arizona and Nevada and other Western States for the military, for good reasons, - and we are all for national security - to want to get their hands on additional areas. That is good, except that it has to be done by the Congress.

Congressman John Seiberling responded:

> I am on the Judiciary Committee, and we are now at the point of the 10th anniversary of the impeachment investigation, and I remember how many illegal and improper actions were justified in the name of national security, or were attempted to be, during those days, and it should be caution to us that no man, no institution is above the law in this country.

The honorable John O. Rittenhouse, Deputy for Installations Management, Office of the Deputy Assistant Secretary, U.S. Air Force had testified: "We legally did not have the authority." 89,600 acres of public land was seized by the military from the public domain without authorization from Congress. The response from the Air Force is to basically recommend that $88,000 be spent on guzzlers for chukar. That mitigation measure is literally for the birds. The people of Nevada should expect a higher penalty to be paid by the Air Force for their actions, and the suggestions made by citizens and their elected representatives for acre-for-acre compensation would not seem unreasonable - given the manner in which present and future Nevadans lost access to 89,600 acres of public land.

The response from the Air Force is inadequate as is the EIS.

Sincerely,

Jeff van Ee

Jeff van Ee
vice-chairman, Toiyabe Chapter of the Sierra Club

cc: Governor Richard Bryan
Congressman Harry Reid
Sierra Club Legal Defense Fund

## 2.5 PRIVATE CITIZEN COMMENTS

BLM Library
Denver Federal Center
Bldg. 85, OC-521
P.O. Box 25047
Denver, CO 80225

Nov. 23, 1985

Capt. Donald Zona
HQ TAC / DEEV
Langley AFB, VA 23665

Dear Capt. Zona:

My comments are in regard to the Draft EIS for the renewed withdrawal of the Groom Mt. Range. In the Final EIS, I would like you to elaborate in the purpose and need section:

64 (37)

(1) how many nuke tests have occurred at the Nevada Test Site?

(2) how many intercontinental missiles the U.S. currently has?

(3) approximately how many seconds it would take a missile in a Soviet sub off the coast of California to hit Nellis Air Force Base?

Thanks,

Engineering Dept.
UNLV
Las Vegas, NV.

---

FROM: Walter Barbuck
4050 Palos Verdes #19
Las Vegas, NV 89119

13 Dec 85

TO: Captain Donald Zona
Hq TAC/DEEV
Langley AFB, VA
23665-5001

Comments regarding Groom Mountain Range Draft Enviormental Impact Statement (DEIS) and Mitigation #11

Early in 1984 the Air Force Illegally seized 89,000 acres of public land called the Groom Range. This act was legitmatized by H.R. 4932 and S. 2657 introduced 23 Feb 84 and 10 May 84 respectivly. The Air Force used as its authority to occupy (seize) P.L. 98-485 approved 17 October 1984. All these dates are AFTER the seizure

In the blue pamphlet handed out to the public at the open meetings of 19, 20 & 22 Nov. 85 and in the DEIS, the Air Force rejects the mitigation to purchase private lands to expand Red Rock Recreation lands in Clark County as not related to withdrawl, estimated recreation loss or cost prohibitive. To begin, it is not the intent of this mitigation to expand anything. What this mitigation is trying to achieve is to avoid a visitor standing by the Visitors Center, after getting good information about the geology, flora etc. of the area, stepping outside the door and seeing a shopping center or another development. What we are looking for is a buffer zone.

65 (75)

If the Air Force would consider the mitigation in the context of the Santini-Burton (S-B) Bill, none of these rejections would be valid. The S-B Bill is essentially a two-step exchange. 1. The Air Force buys the Groom Range with the money placed in escrow. 2. Escrow to buy critical private Nevada lands. A good purchase could be those SUMMA Corp. lands near Red Rocks Recreation Area. This area being just outside Las Vegas, a major population center and a rapidly expanding one.

My question is why wasn't this mitigation considered in the context of the S-B Bill

Sincerely,

Walter Barbuck
WALTER A. BARBUCK

Ann Simon
521 Oakwood Ct.
Henderson, NV. 89015

Nov. 27, 1985

Dear Capt. Zora,

I am writing in reguard to the environmental impact statement dealing with the Airforce's illegal withdrawal of the Groom Mountain Range.

If *fair* compensation were
offered, probably no one would worry
too much about the military's
muscle man approach in this matter.
It does seem unfair that the
airforce first makes it impossible,
for example, for the Shahans to
66 operate their mine (by bombing
㊳ the mill, gunning at workers, limiting
access and disallowing improvements
66 on the property) and then has only
㊳ *an option* to purchase the private land at
a grossly unfair rate. What are
your public relations people
thinking of? These are loyal
citizens - many of whom have served
in the armed forces - who have
cooperated with you &, if treated
half way decently, would praise
you to the skies. Instead, all those
who hear of this withdrawal begin
to "realize" that they have no
freedoms.

Obviously the reprehensable morality of the situation does not bother the airforce. But can you wonder that people's attitudes are so negative? Don't you think it will eventually effect your budget? Don't you *think*?

Yours, Ann Simon

December 3, 1985

Richard A. Cowan
4854 Tiffany Way
Fair Oaks, California 95628

Headquarters, Tactical Air Command/DEEV
Langley Air Force Base
Virginia 23665-5001

Attn: Captain Donald Zona

Dear Captain Zona:

I am the locator and owner of the Boondock Lode Mining Claim located in
the Groom Mountain Range and mentioned in the Air Force Draft Environmental
Impact Statement of October 1985. The specific reference is located on
67 ㊴ pages 3-33 and 34 thereof. I request that your Figure 3.7 on page 3-32 be
amended to show the location of the Boondock Lode Claim. The tie of record
to the discovery of this claim is to the location monument of the Groom Mine
patents and the claim can be plotted from the tie as described in the location
notice as recorded in the Lincoln County Recorders office and further
as filed with the Bureau of Land Management.

I support your statement on Page 4-1 (1.) which states that access to
current valid claims would be guaranteed. I interpret this to mean that I
will have access to the Boondock during the withdrawal period. Is this
68 ㊵ correct? In addition, anyone that I have sold an interest in the Boondock
Claim to must also be afforded access.

I have sold an interest in the Boondock Claim to a group of investors. This sale was consumated prior to the withdrawal and was the financial backing and manpower that located the Grey Eagle Claims surrounding the Boondock in December and January of 1984 and 1985. Access must be provided to all owners of the Boondock Claim.

I take exception to some of your conclusions under "Mining" as shown on Page 4-6. You assume that the current owners do not have the current financial capabilities to mine any of the unpatented claims within the Groom Range. You go on to state that with the withdrawal and lack of ability to expand the claim area large scale mining would be improbable. It is not our intent to mine the Boondock on a large scale. Our ore is very high grade and we intend to continue extraction of the ore on a small scale and do not need any additional area for this work. The ore will be removed from the Groom Mining area for processing as it has been.

69 ㊶ Access is the main concern I have and I fully expect the Air Force to provide me the same access that was afforded prior to the withdrawal. This included entry with a vehicle and small equipment to the claim site and camping in a trailer on the claim while ore extraction was undertaken. This activity covered Sunday thru Wednesday. Since the withdrawal, several people have worked on the Boondock claim and access to the claim has been prevented except on Saturdays after 12:00 Noon. I fully expect to be able to visit and work on the Boondock Claim during the withdrawal period on days other than Saturday.

70 ㊶ You use wording in the EIS to the effect that current owners will be afforded access. In the event of my demise or absence, is it the Air Force's intention to use this wording to prevent access to my wife, co-owners or employees? If this is the case, I protest this intent.

I request wording that spells out the right of access and ability to work on the Boondock claim. This access must be available to owners, their agents and employees.

You propose as mitigation three alternatives. Any of these would be acceptable to me. I would be happy to perpetuate my interest in the Boondock claim and be able to have access to the site as previously mentioned for the development and removal of ore.

In the event subordination is proposed, I would be receptive to a lease
of my claim for whatever period the Air Force desires including extentions at
your options. My only provision is that I or my heirs retain the rights to
the claim upon termination of the lease by the Air Force. Lastly, I would
71 ㊶ accept a buy out of the claim based on fair market value though this is the
least desirable choice to me. My question, if this is the decision, is who
shall pay the expense to determine fair market value? In order to fully
evaluate the extent and grade of the ore extensive drilling will be required.
If the burden of determining value is upon me or if the Air Force does not
desire to expend the monies to make this determination, I will require access
to the site for drilling rigs and personnel and geologists to gather the field
data necessary. This work cannot be accomplished without entering the site
with heavy equipment and cannot be completed working on Saturday afternoons
only.

My partners concur in these statements and we are willing to accept whatever alternatives the Air Force deems in their best interest; subject to the discussions made earlier in this letter. We are available to discuss this at your earliest convenience.

Sincerely,

Richard A. Cowan

December 30, 1985

4854 Tiffany Way
Fair Oaks, CA 95628

Headquarter, Tactical Air Command/DEEV
Langley Air Force Base
Virginia, 23665-5001

Dear Captain Zona:

Subsequent to my letter to you dated December 3, 1985 pertaining to the Boondock Lode Mining Claim within the Groom Mountain Range land withdrawal area, I received a copy of the Mineral Inventory and Geochemical Survey, Goom Mountain Range report prepared for the EIS as part of the proposed reviewed withdrawal.

As this report does not accurately reflect the mineralization of the Boondock Lode Mining Claim, I have written to Dr. Gilbert Cochran, Propject Manager, Groom EIS, Desert Research Institute, calling this to his attention. Rather than go into a lengthy explanation of why this is so in this letter, I have enclosed a copy of my letter to him. 72 ㊷ The basic problem is that the rock samples they took and analyzed from the Boondock Lode Mining Claim were not from the proper site near the site of discovery.

As this may be paramount to the final disposition of this matter, I request you make this, the enclosed letter to Dr. Cochran and all subsequent correspondence and communications pertaining to the subject claim a part of the official enviormental impact analysis.

Sincerely,

Richard A. Cowan

Enclosure

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December 30, 1985

Desert Research Institute
P.O. Box 60220
Reno, Nevada 89506-0220

Attn: Gilbert F. Cochran

Dear Dr. Cochran:

Thank you for the copy of the Mineral Inventory and Geochemical Survey of the Groom Mountain Range prepared for the environmental impact analysis for the proposed Groom Mountain Range renewed withdrawal.

I am pleased with the thoroughness and quality of the report, however, I am dissappointed with the portion covering the Boondock and Grey Eagle Claims. In particular, your samples were taken from the "small vein on the Boondock Lode Claims" (second paragraph, page 48) located "several feet south of the discovery monument" (last paragraph, page 18). Your samples would have revealed a much different mineralization had they been taken from my original discovery site which lies just a few feet north northeast of the discovery monument.

In late May, 1985, I took six sample sacks, approximately 30 pounds, of galena from the discovery site mentioned above. These samples are very similar to the "large pieces of lead float, up to several inches in diameter" (second paragraph, page 47) reported found by Bob Sheahan, owner of the Groom Mine. I am forwarding to you under separate cover one of these sacks of galena along with a separate rock sample taken at the time of my original discovery.

73 ㊸ Your report states "In general, rock samples represent the best mineralization found at each sample site" (paragraph 2, page 23). As this is obviously incorrect as pertains to the Boondock Lode Claim, I request the samples I am sending you be subjected to the same analysis as those previously analyzed for the Mineral report and that copies of this analysis be sent to me and officially made a part of the Mineral Inventory and Geochemical Survey report.

I would be most happy to accompany and to guide Mr. Quade and Mr. Tingley to the site where these rock samples were taken and to assist them in further, more representative sampling of the Boondock Lode Claim.

Sincerely,

Richard A. Cowan
4854 Tiffany Way
Fair Oaks, California 95628

CHERI CINKOSKE
816 LILLIS
N. LAS VEGAS, NV. 89030
702-642-7238

December 30, 1985

Captain Donald Zona
HQ TAC/DEEV
Langley AFB, VA 23665-5001

Dear Captain Zona:

Thank you for this opportunity to comment on the Air Force's DEIS for renewal of the Groom Mountain Range land withdrawal. I attended the public hearing at Clark County Community College, Las Vegas, in November to express my feelings. However, due to the limited time available to speakers there, I feel the need to amplify my brief statement now in writing.

There are a number of "small" flaws in the DEIS. For example:

74 ㊹ 1. On page 1-1 the first statement is that the Air Force proposes "to renew the withdrawal of 89,600 acres, more or less..." Given the seriousness of this issue, I believe you could be somewhat more specific than "more or less."

75 ㉔ 2. Page 3-27's first paragraph states that "The State Historical Preservation Office will be consulted." Why wasn't it already consulted? If you haven't gathered as much information as possible about the proposed area, how can you fully study the potential impacts?

3. On page 4-6, the second paragraph shows faulty logic in progressing from the statement that the Groom Mountain Range mineral properties are "owned by families or individuals who may not (emphasis provided) have the financial reserves required" to the statement that "Future mineral activity...is (emphasis provided)...dependent on the lease or sale of properties to major mining companies." Logically speaking, a possibility does not result in a definite outcome.

76 ㊺ 4. On page 4-16 you state that the cost for purchase of private land near Red Rocks would be "from approximately $4,000,000 to $25,000,000" but you repeatedly refer orally and even in other places of the document to a cost "upwards of $25 million." This is misrepresentation of the grossest kind.

Much more serious, however, is the entire attitude assumed by the Air Force throughout the document. As Congressman Reid stated, you seem to have treated the requests by citizens for compensation simply as an unrealistic "wish list." Your evaluation of the proposed mitigation measures is totally frivolous, and you dismiss almost all of them out of hand on extremely flimsy bases.

77 ㊻ You fail to give any serious explanation for the reasons each of the mitigation measures is dismissed. On page 4-14 regarding potential mitigation no. 6, you state simply that "This mitigation measure is not recommended for implementation." At the briefing at the public comment meeting, you showed a chart supposedly summarizing the document. The chart stated that this measure was too expensive and that's why it was rejected. Your speaker who was conducting the hearing stated that it was rejected because it was not mitigation of a direct impact. It seems the real reason it was rejected is simply because you had decided to reject almost all mitigation measures. An EIS is supposed to provide a complete evaluation and explanation--yours certainly fails to do that, and we are left wondering why you rejected things. Your "logic" is supposed to be open for public review, and the EIS is clearly inadequate to allow that.

This issue of some mitigation measures being rejected because they are not mitigation of a direct impact was used often in your document--for example, to support rejection of Potential Mitigation No. 16, transfer of BLM land in Clark County for a Veterans Cemetery. Such an argument fails to consider the illegal nature of the Air Force's seizure of this land in the Groom Range and the fact that increasing military withdrawals of land in Nevada is greatly decreasing the public's access to "public lands." In such circumstances, the provision of additional land for public use is indeed "related to the withdrawal."

You repeatedly state in your document that certain mitigation measures are rejected because they are too costly. The final result of your DEIS is to recommend one mitigation measure at a cost of $88,000--i.e. you want to retain control of the land you illegally seized and compensate the public at the rate of less than one dollar per acre. That certainly seems too cheap to any fairly thinking person!

Finally, you seem to have totally disregarded the impact of the seizure on the public's potential access to public land. You give figures of the usage Lincoln County residents make of the area and the potential impacts of Lincoln County growth (for
78 ⑳ example, see page 1-7 and 1-8). However, you dismiss any usage Clark County residents will make in the future. An EIS is to consider present and future impacts. It is clear that the population of Clark County will continue to grow. It is also clear that outdoor recreation is ever increasing in popularity. These two factors, especially in conjunction with each other, show that there clearly will be increased demand from Clark County in the future for recreational opportunities outside the County. Such opportunities are being curtailed by your retention

78 ⑳ of this land formerly open for public use. Yet you totally fail to consider this impact.

The only thing you seem truly concerned about in this document is "national security." Yet you completely fail to define the criteria for such needs. It is therefore impossible for a person to evaluate the various mitigation measures and the potential actions in terms of need. For example, perhaps the national security needs of the withdrawal can be met through withdrawal of a lesser area. We are all Americans and we are all concerned with national security. However, we cannot put national security up on a pedestal and say that everything else must bow before it. Again, as stated above, you must present all the relevant information in your EIS so that the environmental impact can truly be understood and evaluated. This clearly was not done, resulting in an inadequate and biased EIS that appears to have been written strictly to comply with Congress' order that you prepare an EIS--producing paperwork but not the information which was the whole point of the order. It certainly needs a lot of revision before the final EIS is issued!

Sincerely,

Cheri Cinkoske

Cheri Cinkoske

November 22, 1985

Capt. Zona
HQ TAC/DEEV
Langley AFB, VA 23665

Dear Capt. Zona,

I would like to present my views and observations on the Draft Environmental Impact Statement for the Groom Range renewed withdrawal.

First my observations:

79 ㊹ - The phrase "more or less". Just as a legal description is found in Appendix A, I believe the area should also be described in words that are specific, and to the point. This phrase introduces ambiguity and therefore should be deleted. (pg.1-1)

80 ㊼ - The No-action alternative -- is not acceptable to the Air Force. In the abstract it is stated that alternatives will be considered. By stating the no action alternative is unacceptable a judgement has been made by the authors and is an inappropriate and premature conclusion on their part. (pg.2-1)

81 ⑪ - The withdrawal of a reduced area. This alternative is not given ample exploration. Again the assumption is made that there is only one outcome and that it is the proposed action/ preferred alternative. Also, the security and safty criteria should be included so that others may judge if this is indeed necessary.

82 ㊽ - The proposed action. There are only negative impacts presented. If this is really necessary why aren't there any positive impacts?

Secondly my views:

83 ㊾ - I believe more care and effort should have been incorporated into the writing of this impact statement. Other impact statements that I have read go to great lengths to explain and inform the reader as to why this action is proposed and the reasons for proposing the action in the first place. A better explanation will possibly create a more positive attitude from the public.

84 ㊿ - Perhaps a more intensive search can be made for acceptable mitigation measures.

- I am not against the withdrawal of this acreage. There is a very real need for keeping our Air Force the best in the world. What I am against is the manner in which this impact statement has been handled. There is a process that is in place that we have to follow. If this process had been followed many of the adverse comments, I'm sure you have heard or will hear, could have been avoided

Thank you for allowing me to express my observations and views.

Respectfully,

Becky Parr

Becky Parr
5303 Stampa Ave.
Las Vegas, NV 89102

cc to
Richard Byran, Governor of Nevada
Harry Reid, Congressman, Nevada
Chic Hecht, Congressman, Nevada
Barbara Vuconovich, Congressman, Nevada
Paul Laxalt, Congressman, Nevada
Mark Byrd, Las Vegas Group, Toiyabe Chapter, Sierra Club

## 2.6 PUBLIC HEARING FOR RENEWAL OF GROOM MOUNTAIN RANGE WITHDRAWAL, NOVEMBER 19, 1985, CALIENTE, NEVADA

Reported by
Larry Gantverg, Court Reporter
Holmes & Narver, Inc.
Reporting Division

CALIENTE, NEVADA, NOVEMBER 19, 1985, 7 p.m.

COL. LACY: Ladies and gentlemen, thank you very much for your attendance. I apologize for the late start that we've had tonight, but we wanted to make sure that all of the interested parties had an opportunity to appear and sign up.

Welcome to the first of three public hearings on the Draft Environmental Impact Statement regarding the Renewed Withdrawl of the Groom Mountain Range, which has been filed by the United States Air Force and the U.S. Bureau of Land Management.

Tonight, you are participating in what I consider to be a uniquely American experience, and that is, to have your government tell you in advance of a proposed action it intends to take, furnish you with the details of that action, solicit your comments and points of view on the impact of that action on you and your community, and then take into serious consideration your comments before a final decision is made.

And this is done with out any threat of reprisal or harassment should your point of view not be agreed with. Those of you -- and I think all of you who are familiar with our system of government would probably agree -- that that is unique to our country.

I'm Colonel Mel Lacy. I'm a military judge for the United States Air Force Trial Judiciary, 4th Circuit, located in Denver, Colorado. My past experience has been judicial in nature. Although I am not knowledgeable concerning the details of this proposed action, we do have others here who are. I shall introduce them shortly.

---

I will not make a decision, nor will I offer a recommendation on this proposal. I did not participate in devoloping the plans for the proposed action, and I did not render any legal advise with respect to it. My role is simply to conduct an orderly hearing in a fair and impartial manner.

Now, the purpose for this hearing is two-fold: First, it provides you, as interested members of the public, an opportunity to receive information on the proposal, and to ask any relevant questions you may have concerning it. This permits the government agencies to clarify their views by answering your questions, either tonight or in the final document.

Second: This is your opportunity to express to the Air Force and the Bureau of Land Management your views on the Environmental impact to your community of the proposed action. This permits these agencies to receive representative samples of public opinion on the proposed document, and to take into account those viewpoints in preparing the final document.

Your comments tonight may be either in writing or presented orally. Now, at times there appears to be some misunderstanding about the purpose of such hearings, and I would like to address this purpose in a little more detail. There are some things for which this hearing is not intended; for example, it is not for the purpose of obtaining a vote regarding how many may be in favor of or opposed to the proposed action.

It is not intended as a debate on the merits of the proposal, nor is it for the purpose of the government agencies to attempt to

persuade you of the merits of the proposal; and it is not for the purpose of trying to answer all the questions you might have in mind.

So, to reiterate the purpose of the hearing: It is to furnish you with information on the proposed Withdrawl Action, and to obtain from you, in turn, additional information on the environmental impact on your community so that that can be weighed in the final evaluation process.

Bearing that objective in mind, I'd like to discuss some simple groundrules. As you entered, those who wished to make oral statements were asked to indicate that by printing your name, address, and the name of any organization you might represent. These persons will be permitted to speak for three minutes; although, given the informal nature and the relatively small attendance, that rule is certainly not inflexible. And I will use my discretion to extend it if the comments are relevant, and if the three minute period is not exceeded by a great margin.

I will attempt to warn you when you have 30 seconds or so remaining of your three minutes, or slightly longer, to give you an opportunity to conclude your remarks or to sum them up. When your name is called, I'll ask you to approach a microphone that will be placed over here to my left; and state your name, address, occupation or employer, and again, the name of any organization you may represent.

If your name is anything other than Smith or Brown, we would appreciate your spelling it out so that we won't mispresent it. This is not a courtroom, and cross-examinationof the speakers or of the agency representatives is not appropriate, nor are argumentative type questions

which tend to advance a point of view rather than to be legitimate attempts to seek additional information or clarification.

Now, it is possible that there will be questions that the agency representatives are unable to answer. This could occur for one of two reasons: Even though a good deal of expertise is assembled here, the representatives will not attempt to answer questions unless they are confident that they can answer your questions completely accurately.

In addition, there may be questions that have national security implications; and there must be some further review of those before answers can be provided. If this should occur, and if the question is relevant, then I can assure you that the question will be addressed in the final document, given the national security consideration, again.

You may request a copy of this final document, and it will be furnished to you possibly after the payment of a copying fee which the government must levy. For those who desire a copy, I believe you've had the opportunity to so indicate when you arrived, and we'll give you an additional opportunity, if you wish, to sign up at the end of the meeting for a copy of the final statement.

As I indicated earlier, you may submit written statements. You may either do that tonight, or you may submit them at any time before the close of the public comment period on December 30th, 1985. If you do wish to submit a statement later you may send it to Captain Donald Zona, who is present tonight, and whose mailing address will be furnished to you on a slide shown at the end of the meeting.

One more comment with respect to the rules. If a person

should fail to respect the groundrules or should engage in any form of disruptive or abusive language or behavior, I will give him or her a warning. If it continues, we will recess the hearing for a few moments. After we resume, if there should be a continuation of that type of conduct, then I'm empowered to end the meeting; and I will do so, even though that would mean that the majority would be denied their opportunity or have an abbreviated opportunity to exercise their public right because of the conduct of probably what would be very few people.

Please try to be temperate, and help me ensure that we can complete this meeting and accomplish it's purpose. All that transpires during this hearing is being recorded verbatim by Larry Gantverg, who is a qualified court reporter. All written comments, whether they are received tonight or by mail later will be attached to the transcribed record he prepares, and will be considered along with it in the preparation of the final document.

There are several dignitaries who have joined us, and I appreciate their taking their time out to be with us tonight. I will recognize these persons at this time and ask each of them to stand as their name is called. Representing Congressman Harry Reid is Valerie Wiener. We also have with us Gail Armstrong of the County Commissioner's Office. We have the Mayor of Caliente, Tom Rowe. Thank you very much.

And if there's anyone I omitted --

MS. ARMSTRONG: The Commissioner is here from the County Commissioner's office.

COL. LACY: Sir, would you like to introduce yourself?

MR. SMITH: My name is Lenard Smith. I'm also with the Lincoln County Commission.

COL LACY: Thank you very much, and I apologize for omitting you. I'd also like to recognize everyone here whose name was not called. Your presence here is very commendable, in that it reflects a great interest in your community and in issues that affect your community. I'd like to assure you that your interest is the sole purpose for all of us being here tonight.

At this time, I would like to introduce the agency representatives. First, Colonel Monty Crook, who is the Commander of the 554th Range Group at Nellis Air Force Base; and in a very short time will be giving you the background and nature of the proposed action, and the anticipated environmental impact. Colonel Crook.

Also with us is Colonel Bob Smith, who represents, along with Colonel Crook, Nellis Air Force Base Range Operations. Colonel Smith. Lieutenant Colonel John Kuminecz has certainly done yeoman's service in organizing and performing the logistics for this meeting. He's the Public Affairs Officer at Nellis Air Force Base. John.

Captain Don Zona represents the Tactical Air Command Headquarters at Langley Air Force Base, Virginia, and is an environmental engineer, and has worked on this project. Don, I think you've already stood. We have Captain Garald Laver from the Nellis Air Force Base Legal Office, who also worked on the development and scoping of this project, and who has been of great personal assistance to me.

We have Mr. Ed Tilzey from the State Office of the Bureau

of Land Management; and Mr. Frank Maxwell from the Las Vegas Office of the Bureau of Land Management. And we have the following persons who represent the Environmental Impact Statement contractor, the Desert Research Institute of the University of Nevada. The Project manager, Dr. Gil Cochran; water resourses, Professor Fordham; wildlife, Dr. Pontrelli; archaeology, Dr. Pippin; and minerals, Mr. Tingley. Thank you very much, gentlemen.

Following Colonel Crook's briefing, I will call on the speakers who have signed up. Your remarks should be addressed to me. Following that, I will open the floor to anyone who has questions of the agency representatives, or for that matter, one of the speakers. Please come to the microphone as I've indicated, identify yourself, and ask the question of me. I will then have your question answered by the appropriate person, an agency representative, as a rule, if it is relevant to the proposal, and given the possible constraints that I mentioned earlier

Colonel Crook.

COL. CROOK: Before I begin, I'd like to say it's good to be back to Caliente again. But I notice two things have changed drastically. The weather has gotten a lot colder, and the Chili has gotten a lot hotter.

Ladies and gentlemen, last May we came here and hosted one of the scoping meetings for renewed land withdrawal of the Groom Mountain Range. Using the information we briefed to you in May and your input at that scoping meeting, and the two other scoping meetings, we have prepared the Draft Environmental Impact Statement many of you received in the mail

Tonight we have come here to host a public hearing on this

draft EIS. For the benefit of those of you who were not at one of the scoping meetings, and as a refresher for those who were, I would like to start tonight with a brief of the proposed action of renewing the land withdrawal.

After this, I will specifically address the draft EIS we have prepared and explain the decision-making process this proposed renewed withdrawal is undergoing. First of all, you should know Nellis Air Force Base is engaged in the profession of arms. Our business is the nation's defense. Like civilian industries, defense installations such as Nellis need vital resources to operate. Critical to use are people, equipment, real estate -- military defense activities which lie at the heart of our mission and reason for being.

As many of you are aware, beginning in about 1978, the Air Force began controlling public entry to the Groom Range. The Air Force was acting in the interest of Public Safety and National Defense Security. I assure you that the manner in which the Air Force initially gained control over the Groom Mountain Range will in no way set a precedent for any future Air Force withdrawals which may take place.

Having said that, I turn now to Public Law 98-485 enacted by Congress in early October of 1984. What it did was withdraw approximately 89 thousand, 600 acres of land including the Groom Mountain Range from public domain for use by the United States Air Force. This withdrawal terminates on December 31, 1987. Before

the Air Force can request Congress renew the land withdrawal, the law mandates that the United States Air Force and the Department of Interior issue an Environmental Impact Statement consistent with the requirements of the National Environmental Policy Act of 1969.

The withdrawn Groom land was originally adjacent to the restricted Nellis Bombing and Gunnery Range. Now part of our complex, it is required as a secure buffer between public acres and those used for national security purposes. Sepcifically, the restricted air space over the withdrawn land is used for weapons systems testing and training of our vast electronic warfare assets, tactical maneuvering, and air support, but not air-to-ground or target activities.

It is also used for other defense-related purposes consistent with and involving no greater impact on the withdrawn land and their resources than overflights related to such training current on the range.

An Environmental Impact Statement is a required action for our renewal of the withdrawal. The EIS is part of a federal agencies' responsibility under NEPA, which is the National Environmental Policy Act. It's a National Charter for the protection of the environment. NEPA is divided basically into two parts.

The first requires federal agencies to do a list of things in order to make the NEPA process more useful to decision makers and the public: to emphasize real environmental issues and alternatives, to integrate the requirements of NEPA with other

planning and environmental review procedures, to encourage public involvement in decisions which affect the quality of the environment, to identify and assess reasonable alternatives, and lastly, to preserve the quality of the environment by adopting mitigation measures which would minimize the impacts that a possible withdrawal would bring.

NEPA's second part establishes the Council on Environmental Quality, to advise the President on environmental trends and publish guidance for federal agencies to meet NEPA requirements. Federal agencies must adopt policies and implement internal regulations to, of course, comply with NEPA. The Air Force's policy and NEPA's implementation procedures are contained in Air Force Regulation 19-2, and it's titled the "Environmental Impact Analysis Process."

Therefore, as NEPA and our own United States Air Force regulations and the withdrawal legislation require, we are preparing an EIS on renewal of the Groom Mountain Range Land Withdrawal. We encourage involvement with the public and government officials throughout the environmental impact analysis process.

Our public participation program for the EIS includes the following actions to solicit public involvement: First, a notice of intent to prepare an EIS was published in the Federal Register on February 13, 1985. At the same time, various press releases were issued, and announcement letters were sent to all federal, state, and local government officials in Nevada. In May, we hosted

public scoping meetings in Lincoln and Clark Counties to determine the significant impact issues and possible mitigating measures. Those raised were analyzed in the draft EIS.

The draft EIS was filed with the EPA on October 25, 1985. Various press releases and announcement letters were again sent out. We are currently in the 60-day public comment period. The public hearings, one of which we are holding tonight, will collect both verbal comments, and any written comments you wish to submit. The United States Air Force and the Department of Interior will then consider all relevant issues raised and provide responses in the final EIS.

If a new issue or concern arises, for which we can't provide an answer tonight, the final EIS will address that issue or concern. I would also like to point out that the transcript from tonight's hearing, along with any written statements submitted prior to the December 30, 1985 cutoff date will be published in the final EIS. Should any document of any inordinate length be submitted, pertinent information from that document will be summarized in the final EIS and the submitted document kept on file for reference. Our plan is to publish the final EIS around the June 1986 time frame. The final EIS will be filed with the EPA, and once again, news releases and notification letters will be made to the public.

Once the final EIS is filed, we enter into a statutory 30-day waiting period. This means that the Air Force and Department of Interior must wait 30 days after the final EIS is filed before they

can make their recommendation to Congress. The Air Force is not required to solicit public comments during this period of time. However, any comments received will be reviewed prior to any recommendation to Congress.

At this time I will specifically address the draft EIS, prepared by Desert Research Institute, a member of the University of Nevada system. I will also discuss the decision-making process, as the two are interwoven.

The Air Force proposal is to renew the withdrawal of the 89 thousand, 600 acres known as the Groom Mountain Range -- and control access for reasons of public safety and national security.

We did examine two alternatives to the proposed action. The first is, a no-action alternative, which would end the withdrawal. The return of the area to public and land status would compromise public safety and the security of the National Defense activities in the area and we are, therefore, recommending against this alternative. The Air Force also considered a second alternative of withdrawing less than the 89 thousand, 600 acres. Based on security and safety criteria provided by the Air Force, the Bureau of Land Management conducted a study on the adequacy of the withdrawal boundaries. Based on their study, BLM concluded that a smaller or differently configured withdrawal area would not satisfy the Air Force's criteria. The boundaries of the withdrawal, as proposed, satisfy these purposes.

I will therefore, concentrate now on the proposed withdrawal

using the boundaries considered in PL 98-485, which provided the temporary withdrawal.

I will first share with you some very brief thoughts from some things found in analyzing those issues you brought forward to us during the scoping process. I will not cover all of the environmental attributes considered in the EIS -- just those major areas of the most concern to the affected public.

Water resources. Renewed withdrawal would have no adverse impacts on water resources. The availability, quality and current use -- which is wildlife and stock watering with minor domestic use -- would continue with no foreseen changes.

Vegetation. No adverse impacts on vegetation are expected should the withdrawal be renewed. No endangered species or proposed endangered species are located in the withdrawal area. There are four species on the threatened or watch lists that occur in relatively inaccessible areas.

Animals. For the most part, the conditions affecting animals in the area would not change in any significant way. There are however, a few areas of concern I would like to pass on to you. First, bighorn sheep should not be reintroduced into the area as a hunted herd nor as a gene pool as either action would necessitate entry into the area by conservation personnel, compromising security.

Since there would be no hunting in the area, the male deer population would soon outnumber the females. And finally, BLM will

have access to the area necessary to monitor livestock grazing, should overgrazing take place, the composition of plant species could change, resulting in changes in the composition of animals utilizing these species.

Mining. The Air Force will, at its option, either subordinate valid existing mineral claims or allow holders of valid claims controlled access to work the claims at approximately the existing levels of activity. Subordination is a monetary payment to the claimholder in exchange for deferring extraction of the minerals. The amount of the payment would be based on the fair market value of the claim. At the present time, there are sufficient data available to do more than estimate the potential of any of the properties in the Groom Mountain Range. No mineral rights will be lost, since controlled access sufficient to preserve them will be provided. However, the combined effect of the two options will be to defer, for the term of the withdrawal, significant development of the claims or large-scale mineral extraction. Compensation, as required, would be in the form of a subordination agreement, as I have discussed or outright purchase of the claims.

Recreation. Renewed withdrawal of the Groom Range would eliminate hunting in the area for the duration of the withdrawal. This would impact an estimated 10 to 30 deer hunters and an unknown number of small game hunters who used the area. This small game includes chukar, quail, doves, and rabbits. Other potential recreational uses prevented by renewed withdrawal include hiking,

sightseeing, caving and camping. There is little indication the area was used much for these activities in the past; however, with the future population growth projected in southern Nevada, there may have been increased use in the future.

Cultural Resources. Renewed withdrawal would be beneficial to cultural resources in that they would be protected from vandalism and accidental damage by the public. The preparation of the EIS has resulted in more detailed knowledge of the archaeological resources in the Groom Mountain area than previously recorded. The renewed withdrawal will preserve the sites until further study is possible.

Access for Scientific and Research Purposes. The area would not be available for scientific or research purposes. Several potential research topics are addressed in the draft EIS.

Economics. Renewed withdrawal has potential economic impacts on grazing, mining, recreation, and taxes. The economic impact on grazing is minor, as the current permittee has access. For mining, the total value to the economy of the deferral of extraction of mineral reserves depends upon the price for raw materials, production inputs, and the interest rate. Loss of access for recreation would have some economic impacts on Lincoln County. For example, at an estimated 100 hunter days annually, an estimated loss of $1,500 in consumer spending from deer hunters would result. Additionally, Lincoln County retail sales revenue would decrease approximately $33 for each hunter who would not stay in Lincoln

County to hunt.

The final economic point I want to make concerns taxes -- specifically, the "in lieu of" payments Lincoln County receives. The Groom Range renewed withdrawal changes management of the lands, not ownership. Additionally, the payments Lincoln County receives are determined by population. Therefore, the "in lieu of" payments would not change as a result of the withdrawal unless the county population changes to a significant degree. This is not expected to occur.

The final area in the draft EIS I wish to discuss is the section on mitigation measures. This is an extremely important portion of this document, and a rather difficult one to address. There's no question that some people of Nevada would feel adversely affected should the withdrawal be renewed, while the majority of the States' population remains unaffected or indifferent to the withdrawal.

PL 98-485, which provided the temporary withdrawal and directed this EIS, also stated that it "shall include a description of and recommendations concerning measures to mitigate the impact of such continued or renewed withdrawal on opportunities for outdoor recreation, mineral exploration and development, and agriculture in Nevada."

Various measures were suggested during the scoping process and others were developed during the preparation of the draft EIS. This is the list we came up with -- a grand total of 18. The order

in which these are listed is based on the environmental element as it is discussed in the draft EIS. The Law also said such measures "shall include possible acquisition by the Secretary of the Interior of lands in Nevada suitable for outdoor recreation uses and possible increased mineral, agricultural, or recreational use of lands in Nevada withdrawn for military purposes."

Ladies and gentlemen, one point I want to make very clear is that this draft EIS does not decide on what mitigation measures would be taken. What the draft EIS does do is provide a discussion on the various possible mitigation measures that could be taken, along with a recommended course. This is the information needed by the Air Force and Department of Interior as they put together renewed land withdrawal proposal to be forwarded to Congress. With that in mind, I will now briefly address the mitigation measures discussed in the draft EIS.

I shall now briefly discuss each.

1. Compensate D/4 Enterprises for possible impact to market value of the Bald Mountain allotment: the EIS recommends that no action be taken on this measure at the present time because we do not know what circumstances would be present at the time the current owner might desire to transfer his interests.

2. Open other military withdrawals to minerals exploration and development: this measure was analyzed with the conclusion being that it is doubtful public safety and national security would allow such a tradeoff.

3. Compensate owners of valid patented and unpatented mining claims: I previously discussed the options of either subordination, controlled access, or outright purchase of claims.

4. Open additional portions of Nellis AF range to controlled hunts: The Air Force has identified an additional 26 square miles of Stonewall Mountain that could be opened for bighorn sheep hunting. This is an addition to the existing 10 square miles.

5. Improve game bird habitat in proximity to Groom Mountain range: implementation of this mitigation measure will be decided by the Departments of the Air Force and Interior. The EIS recommends that guzzlers be installed in the Tule Desert area for the benefit of chukar and quail. The number of guzzlers recommend corresponds to the number of water sources the public would lose access to in the Groom Mountain Range.

6. Develop water for bighorn sheep or other big game species in other Lincoln County ranges: the draft EIS identifies several potential sites where guzzlers could be installed. In addition to bighorn sheep, mule deer and antelope could benefit. This measure, however, is not viewed as mitigating a direct impact of the withdrawal, and is therefore not recommended.

7. Mule Deer Habitat Improvement in Adjacent Lincoln County Ranges. This would involve range manipulation in nearby areas. Three potential sites identified are Delmar Range, Clover Range, and Mormon Mountains. The cost of such a program relative to the minor lost opportunity leads us to a recommendation of not adopting

this measure.

8. Expand Nevada Division of Wildlife Management Areas at Hiko and Sunnyside through purchase or exchange. The lands near Hiko are dry grazing lands and not suitable to augment NDOW's water- based management there. BLM has expressed willingness to work with NDOW on the Sunnyside lands.

9. Establish Gene-Pool Herd of Bighorn Sheep on the Groom Range: as mentioned earlier this evening, we consider this measure unacceptable because of the need for continued access which compromises security.

10. Establish controlled hunts for deer and birds on the Groom Range: this measure also contradicts the purpose of the withdrawal and is not recommended.

11. Purchase adjacent private land to expand Red Rock Recreation area in Clark County: As I mentioned earlier, the draft EIS analyzes all mitigation measures suggested during the scoping process, of which was included this measure for the Red Rock Canyon area. BLM is attempting to make a land exchange with the Summa Corporation for some lands suggested for acquisition. To date, no agreement has been reached. This measure, therefore, considers the purchase of lands at a cost upwards to $25 million dollars.

I must point out that Red Rock Canyon is removed from the withdrawal area and is not in Lincoln County. The EIS recommends not adopting this measure.

12. Improve access road from Rachel into the Nevada Test Site.

This measure was recommended during the scoping meetings in Lincoln County and was shown to have considerable support. We took a long, hard look at this, as the draft EIS reflects. Of course, the Departments of the Air Force and Interior will have to decide whether to recommend this measure to Congress. The EIS will recommend against paving the 39-mile road at a cost of $160,000 per mile. I must point out, however, that even if the road were paved, there will still exist limitations of when the gates will be open. We have set up a 24-hour-a-day information telephone number regarding the open and closed status of the road which should help some of the approximately 68 people who would use the road.

13. Complete the paving of Kane Springs Road: the road would shorten the trip from Caliente to Las Vegas but would bypass the towns of Alamo and Hiko. Also, this road is not associated with the withdrawal. The disposition of Kane Springs Road is best left to the citizens of Lincoln County and the state of Nevada.

14. Locate Wild Horse and Burro Corrals in Lincoln County. This measure is not justifiable as BLM's program is already established. Any additional temporary facilities which may be needed in the future would be competitively bid.

15. Develop Groom Mountain Range Management Plan for Wildlife, Range and Cultural Resources. To this measure, the Air Force and BLM have agreed to cooperatively plan for and manage the resources of the area, including cultural resources.

16. Transfer of BLM land in Clark County for a veterans' ceme-

tery: this measure is not related to the withdrawal and does not appear to be an acceptable mitigation for this action. Not only would the 80-acre prepared site cost $640,000 to purchase, but it is located in a flood zone. The EIS recommends against this measure.

17. Impact Evaluation of Perimeter Fence Construction: if the fence is constructed, archaeological resourses would be surveyed.

18. Controlled access for scientific studies and research: this access would compromise the secure buffer zone purpose of the renewed withdrawal, and is, therefore, not an acceptable mitigation measure.

From the list of 18 suggested mitigation measures, here again is a recap of those the draft EIS recommends to mitigate or offset the impacts of renewed withdrawal -- a total of seven.

I realize my summary of all the suggested mitigation measures was brief relative to the impostance of this section of the draft EIS. There is considerably more detail in the EIS, and I encourage you to read it. I do want to point out one more time that the draft EIS does not reflect what mitigation measures would or would not be accomplished, but rather provides a list and recommendation for the Air Force and Department of the Interior to consider in preparing their recommendation to congress.

Thank you very much, ladies and gentlemen, for your attention you've given me tonight and also at the last meeting. Now, the Hearing Officer will conduct the public portion.

COL. LACY: Thank you very much, Colonel Crook. One of the ground rules that's perhaps the most important one of all I forgot to announce, is that the men's room is this way and the lady's room is this way. While

we're getting this microphone set up, why don't we take a break for a few minutes, and if anyone wants to use those facilities, they may.

(SHORT BREAK)

COL. LACY: Can we please have everyone seated again. May I have your attention, please. This is the appropriate time for us to hear from those persons who have indicated an intention to speak. I will remind those persons, again, of the flexible three minute time limit, and also, that this is an opportunity to speak and not to ask questions.

The questioning opportunity will be presented after we've heard from the public speakers. At this time, I'd like to ask Gail Armstrong of the Lincoln County Commission to come forward.

MS. ARMSTRONG: I'm Gail Armstrong, County Commissioner of Lincoln County. I'd like to read a letter that the commissioners addressed to the Nevada Association of Counties in Carson City to the president and members of the Nevada Association of Counties in regards to a resolution on the Groom Lake Land Withdrawal.

"Dear Mark:

"Lincoln County would like to request the support of the Nevada Association of counties regarding mitigation of the above encaptioned Land Withdrawal as proposed by the Department of Defense and the U.S. Air Force.

"Both from the standpoint of potential mining activity and the Deep Carbonate Aquifers study, this land withdrawal will impact Lincoln County severely over any extended period of time.

"We are all aware of the tremendous economic struggle

85 (51) Lincoln County is having and the need to protect any source of future development. This withdrawal, under the proposed conditions presented in the Draft Environmental Statement, would severely hamper development of the mining potentials in the Groom Lake area as well as prohibit the in-depth
86 (52) study necessary for the Deep Carbonate Aquifers project.

"The primary mitigation we are requesting is that the road
87 ⑱ leading to the back gate to the Test Site be oiled. This would encourage more of the Test Site employees to live in our area rather than travel the greater distance to Las Vegas, as well as eliminate many hours of travel time for those already residing in Lincoln County. The economic boost this would give to our area is self-evident. Further, we feel that greater flexability
88 ⑨ is needed in the proposal concerning access to this area by mining interests and the aquifers project.

"Any assistance NACO could render in this matter would be greatly appreciated. I will be happy to answer any questions you may have regarding this request.

"Thank you,

"Gail Armstrong, Member, NACO Board of Directors."

The resolution was addopted yesterday, November 18, at one o'clock, in Las Vegas.

COL. LACY: Thank you very much, Ms. Armstrong. Would you also like to furnish a copy of that for inclusion in the record?

MS. ARMSTRONG: (Handing document to Colonel Lacy)

COL. LACY: Thank you very much.

MS. ARMSTRONG: Yes.

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COL. LACY: At this time, County commissioner Lenard Smith.

MR. SMITH: My name is Lenard Smith, County Commissioner for Lincoln County. I have a three page document, letter, addressed to you, Colonel Lacy, and since I can't read it in three minutes, I would, more-or-less, like to summarize; and a lot of these issues have been discussed, of course, previously.

COL. LACY: Certainly. You're welcome to summarize it, and also to provide a copy of it for inclusion in the record.

MR. SMITH: I'll do that. For the most part, we're interested in the economics of Lincoln County. In the past, there's been other withdrawals made, and access to those withdrawals from Lincoln County for the workers out there have been given to other counties and other communities, which has severely put Lincoln County at a disadvantage.

89 ⑱ So we are, of course, requesting that this committee look at this again about the paving of these roads. We feel that better access from Lincoln County, as Ms. Armstrong mentioned, would give Lincoln County a terrific economic boost; and rightly so, because when you take lands from Lincoln County and give other people the advantage of it, well, it's quite detrimental to our county.

And, of course, there are many other impacts as are mentioned here and there, enlarged upon in this letter that I'll give you. So, that's the main thing that we're interested in.

COL. LACY: Thank you very much, and I appreciate your providing the letter. At this time, Mayor George Rowe of Caliente, Nevada.

MR. ROWE: This statement that I'm going to make tonight, most of

them was addressed and given at the May 9th, 1985 meeting here. A lot of it has been not recommended by the Air Force in the study that you made; but, nevertheless, it is still recommended, and part of our thoughts. I would like to give them to you, as well as some more additions this evening.

My name is George T. Rowe. I am Mayor of the City of Caliente, Nevada. I am here this evening representing the City of Caliente and to express our concern about possible impacts which may occur to the area as a result of withdrawal of more public lands in Lincoln County.

In general, the City of Caliente is greatly dismayed that the Department of the Air Force fails to address possible impacts specific to our area. It is my hope that as this withdrawal process moves forward, Lincoln County and the City of Caliente will be mentioned in your studies and statements as the major impact area.

Our citizens are good Americans, and we support our Government's need of a strong national defense. Through past experience, however we have questions concerning the government's actual needs, compared to what seems to be a compulsory land grab that would withdraw recreational and mining areas from Lincoln County citizens.

The Groom Mountain Range is abundant with trees, wildlife and mineral resources that all have the potential of providing an economic boost to our depressed area. I would like to ask that as you prepare for future public hearings concerning this withdrawal, you also qualify the need of more than 89,000 acres of our county.

As is the case in much of Nevada, in the past few years our community has embarked upon an ambitious economic devolopment program.

This program has included an inventory of natural, human and public infrastructure resources which could support economic devolopment activities in Lincoln County and the City of Caliente.

90 (53) We would request that as your evaluation of impact studies continue, a socioeconomic impact of Lincoln County be included for our comment. 91 (54) If, indeed, the plans for withdrawal are made definite and our land is taken, what will we receive in return? Will the Air Force provide monies to a state general fund that would, in turn, distribute the proceeds to populas Clark County?

If this would be the case, I ask that you immediately drop all Groom Mountain Withdrawal Proposals and seek out a location for withdrawal in Clark County. If you feel you must impose on Lincoln County lands, you must also be prepared to provide the residents of Lincoln county with either cash or in-kind services that would match the magnitude of your request. One way --

COL. LACY: Excuse me, Mr. Rowe, your three minutes are up, but I will give you about 30 seconds to conclude or to sum up.

MAYOR ROWE: All right. One way this could be accomplished is to pave the back access road to Area 51 at the Test Site. This could provide an an economic boost to our area by encouraging more Test Site workers to live in Lincoln County. 92 (60) Another positive boost to our area would be to complete paving on SR317, also know as Kane Springs Road.

93 ㉖ One of the things that wasn't mentioned before and was proposed by the Town Board in Peoche -- and there are members here present this evening -- would be increased Air Force services into the area as with

93 ㉖ the build up in the 1970's on a more permanant basis. This was a big boost to the ecconomic situation of Lincoln County and the Caliente area. Thank you.

COL. LACY: Thank you very much, Mr. Rowe. Next we have Mr. William Rosse, Senior, representing the Western Shoshone National Council.

MR. ROSSE: My name is William Rosse, Senior. I received your Draft Environmental paper there. The name was put in wrong. They called me Wilbom Rosse, all right, and it was junior. Junior wouldn't have thought much of that, but we'll let that go. I put the correct name there, and the address is right.

I'm here, I'm the chairman of the Yomba Shoshone Tribe, and my address is Route 1, Box 24A, Austin, Nevada, zip code 89310, and I'm here on behalf of the Western Shoshone National Council. I'm on the environmental
94 (55) committee of the Western Shoshone National Council; and the Council feels that the land has never been litigated yet, although, there was a hearing in the Supreme Court concerning the Dann Sisters, which had nothing to do with the Western Shoshone people's title.

The title was not discussed in it, and there's no date of land taking or anything else, so, the Western Shoshone National Council wants it to be on record that this withdrawal would be part of the Western Shoshone lands; and we do not feel that we're willing to part with this land at this time until the litigation or the litigations are settled with the Federal Government.

And the Western Shoshone people, there is about 7,000 to possibly 10,000-plus Shoshone people; and your statement there, it says it's

affecting only about 50 people. So, if you consider those people, too, that would be an additional amount of people.

We will be sending you a letter stating all these facts here and whatever else that they come up with just as soon as I can get back to a meeting with them. And I do thank you on behalf of the Western Shoshone National Council.

COL. LACY: We thank you, too, Mr. Rosse. Next we have Glen Van Roekel, the Director of Community Development of the City of Caliente,

MR. VAN ROEKEL: The Mayor covered everything I wanted to speak about.

COL. LACY: Very well. Thank you very much. And Mr. J.J. Lesicka. Did I get that right?

MR. LESICKA: No. Lesicka.

COL. LACY: Lesicka, I apologize.

95 MR. LESICKA: My name is Joseph J. Lesicka. I'm here to protest the withdrawal of 89,000 acres. To completely protect Fifty-One, all they have to withdraw is 25,000 acres, or Township 7, straight across. The rest of the mountain, which is high timber, a lot of animals, good hunting, cannot be protected without their helicopters like they are doing now.

⑪ In other words, if somebody wants to go in there for security reasons, they can go in there. There's no way they can really keep them out, because there's too much -- too many animals and everything moving around. And they will have to keep the helicopters out patrolling all the time.

So, theoretically, to really control the area, if they pick up about 25,000 acres of Township 7, they should control the whole area.

Thank you.

COL. LACY: Thank you very much. At this time I'd like to call on -- and I know I'm not going to get this right -- Mr. Louis Benezet.

MR. BENEZET: Louie Benezet is my name.

COL. LACY: That's close.

MR. BENEZET: Yes. I'm Louie Benezet, B-e-n-e-z-e-t, from Pioche, Nevada, Prince Mine, actually. I have an interest in this matter because I am associated with a mining company, and also, I am, by nature, an environmentalist; which doesn't sound like it may be consistent, but that's the way I am.

And also I have helped advise the County Commissioners on my feelings about this, and so, some of my ideas will be represented in the statement you'll receive from them. There is not time for me to represent all the ideas I have on the subject, so, I'll just try to cover a couple of them, and you'll be hearing more from me.

First of all, I take exception to the term "Renewal," which you keep using. This is, in a sense, a renewal; perhaps technically speaking it is, but in fact, this DEIS is the first document to be prepared to support a Congressional decision to decide whether or not this area really should be military land.

I think the Congress still has to weigh the question of whether or not it's worth it to sacrifice all the mineral potential, animals, and so forth, the possibility of grazing, and scientific studies which could be carried out in the area.

In support of such a decision, I think this DEIS should

96 (56) provide some further information regarding the need for the proposed action and the impact and nature of the proposed action. All we really have in here is the vague term, "security and safety."

This doesn't tell us anything. Who is likely to be hurt by the fact, by a no-action alternative in this case? What element of the public would be harmed in what way? What would happen to somebody going in there? Would it be worse than, say, a hunter encountering another hunter in the area, for example?

Another thought is: What is the national security element of this question here? What would be the worst-case scenario? What would somebody find out by going in there, and how much would it harm the national security, really? I think that we have to have more information on this.

The Congress, who are going to decide this matter, are our representatives. Therefor, the people have to be informed. As far as I know, this DEIS is the only way that we can get any information about Groom Mountain. This is because you've already taken the area. We can't go in there and check any of the information in here; so, I think that's a very important point.

Now, to cover some of the area's environmental impact, I 97 (57) am particularly concerned about your description of the Groom mining area. I found considerable information without going in there -- which I can't do -- which is not included in this DEIS, which puts the value of that area in prospective of the ore mining activities that have gone on in Lincoln County.

It's important to note that if you use today's dollars --

98 (58) which you don't in this report -- the Groom Mine produced about a million and a half worth between 1950 and 1956. It's also important to note that the structure of the geology of that area is very similar to the very rich Pioche area, and it consists of types of rocks that only cover 1% of this county, which is a huge area.

COL. LACY: Excuse me, would you please take thirty seconds to conclude or sum up.

99 (59) MR. BENEZET: All right. Oh, all right, one important issue here: I feel that we're sort of being rushed. According to the schedule we got from you guys last spring, the DEIS was, apparently, going to come out in September, and the hearings were going to be in November. And now we're having the hearings in November, and we only got the DEIS a couple of weeks ago.

So, I think I would request that additional hearings be held, and that the full time for public comment be extended.

COL. LACY: Thank you very much. We have Mr. and Mrs. M. E. Davis. Do either or both of you wish to speak? Davis, did I get that wrong?

MR. DAVIS: My name is Morley Davis, and I'm from Caliente. And these mitigation measures, it's stated here that the Kane Springs Road is not recommended due to it's a state and and county political matter. Well, the whole thing, the mountain and all, is a political matter. If we can't have that, you can't have the mountain. But what we want is that road, we want it paved. It's vital to the eastern part of Lincoln County.

100 (60) They said that Alamo and Hiko was involved. They might be, but they've still got a highway through their place; and, of course, we

100 (60) have, too, on 93. But if we can get that Kane Springs Road paved, it will mean an awful lot to these people here, because it will put something back in our communities. Our service stations and stuff will -- we have lost 50%, and that's a very moderate, small guess, is that we have lost 50% of our trade in the service stations and the motels and hotels.

I'm a little shakey on this. It's like the first boat ride I made. And it was torpedoed, too. But I'd like for you people to understand that that's, for 89,000 acres, that's a very small amount to pay to pave that road for maybe 41 miles. That's an awful cheap price to pay for that much acres. Thank you.

COL. LACY: Thank you, sir. Does Mrs. Davis also desire to speak?

MRS. DAVIS: No.

COL. LACY: Thank you. And last, we have Connie Simkins.

MS. SIMKINS: My name is Connie Simkins, and I live in Panaca, Nevada. I can't begin to address my concerns with your document in three minutes, so, you will be hearing from me at length in writing. Probably the single most important point that I wish to make: In your document, on page 3-42, you make the statement that the Federal Government owns 89.4 percent of Lincoln County.

The Federal government owns nothing. We are the government. That's public land. I submit to you that the lack of attendance at this meeting only ramifies the public perception of the futility of dealing with the Federal Government on any level, and especially with the Air Force.

The people here feel that they have absolutely no reason to trust the Air Force. We have been dealt with in a less than honorable

manner on many ocassions, beginning during the Second World War, when you first took the Nellis Bombing Range, and on repeated ocassions during the MX Missle proposals; and it continues in your document, that you have many conflicts: Statements that are made in one area and are refuted or disputed on contridicted in another area.

One -- and I don't know which one is the biggest -- on page 4-18, you speak of a sales tax lost to Nye and Clark County if Nellis Test Site workers would move into Lincoln County. I'd like to understand where we go today to buy our cars and our refrigerators and our furniture and our clothes. One of our very major shopping centers is in Clark County. It is the people from Lincoln County going down there, spending our money.

We spend a lot of money. A lot of their sales tax revenue, not a major portion of their revenue, but a major portion of our expences are spent in clark County. They get our sales tax money now, and that would not change if Nellis Site workers lived here.

101 (61)

Also, on your figure, 1.1, the name of the town of Rachel is misspelled. And the White Pine County Line is grossly in error. In your figure -- on page 2-2, in section 2.3, you speak about restricting the BLM's access to the proposed area; and that would, you say it would -- it would cause overgrazing by the livestock. I refer you to section 4-1, number 3, where you again speak of adequate access by the BLM personnel.

And in another area, 2-3, you speak about if livestock grazing were not controlled. And than in 3-29, 3-30, and 4.5, you talk about permitted use, levels of use, and that it's more healthy for the browse population if it is eaten off. You speak about the need for the AMP, but the

CRMP management process has already been done in this area.

COL. LACY: Excuse me, your three minutes is up, but I'll give you 30 seconds to sum up and conclude.

MS. SIMKINS: On 4-17, you speak of two approaches to evaluate the worth to paving the road between Rachel and Area 51 to Lincoln County. This evaluation is very unclear to me. You speak about the savings of time and money, and then you speak about something I didn't understand on income multipliers. I submit to you that statistics are no better than the integrity and the committment to truth by the person who prepares them.

102 (62)

In 4-19 you talk about the temporary excess horse problem on the area. I tell you, I submit to you that this is not true. Horses multiply. It's not a temporary problem, it's going to be an ongoing problem. Thank you very much.

COL. LACY: Thank you very much, Ms. Simkins. Is there anyone who did not sign up who would like to make an address? I'll be more than happy to give you that opportunity. For those of you who have indicated an intention to submit written statement by mail and not tonight, I point out to you that on the slide behind me is Captain Zona's mailing address.

If you will send him any document that you feel is relevant postmarked by December 30th of this year, it will be attached to and included with this record, and considered in the final document. At this time, it's appropriate that we have any persons who wish to ask questions of, as I indicated, a speaker or an agency representative, to come forward. And those questions should be directed through me, and I will than funnel them to the agency representatives.

Yes, sir.

MR. LESICKA: I've got three questions.

COL. LACY: Yes, sir. Could you come forward, would you please? The court reporter has got to hear you to get this down. And would anyone else who asks questions, please restate your name, or state it if they haven't already spoken.

MR. LESICKA: All right. My name is J.J. Lesicka. I would like to know who made this EIS mineral survey? It is a very poor survey. If they would go back to Humphrey's of 1945 and what little bit he did, there he covered five times as much territory as the Environmental Impact Statement.

COL. LACY: Sir, Dr. Cochran, do we have an answer for that? Who did the mineral survey?

DR. COCHRAN: Gil Cochran, Desert Research. We have Joe Tingley from the Nevada Bureau of Mines and Geology. He was responsible for conducting the survey. I'll let Joe answer you on that, Mr. Lesicka.

MR. LESICKA: I have the geologists findings down through that area, too, and his survey was much better than the one done by the Nevada Bureau of Mining.

COL. LACY: Sir, that is not a question.

MR. LESICKA: All right, I apologize.

COL. LACY: Do you have a question for Mr. Tingley?

MR. LESICKA: Yes. You did the survey?

DR. TINGLEY: Yes. I'm sorry you didn't appreciate it. I did contact Larry Beal, and I got all the information I could find.

MR. LESICKA: Did you go completely, all the way through the area?

DR. TINGLEY: Yes, we did.

MR. LESICKA: Everything that Humphrey did?

DR. TINGLEY: We did not concentrate on the Groom property, because that was outside our area of responsibility.

MR. LESICKA: Yes, but he, in his bulletin, he went further than the Groom Property.

DR. TINGLEY: We covered all the property north of the Groom --

COL. LACY: Excuse me. Let me interupt. Dr. Tingley, could you come around here so you can speak into the microphone?

DR. TINGLEY: We prepared a minerals report which I think would be available soon, and I hope that when you read that, you'll have a better opinion of our work.

MR. LESICKA: Well, see, I've been clear through the area. I've been hitting that area since 1958 --

COL. LACY: Sir, that's not a question.

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MR. LESICKA: All right. thank you. All right, now, then, my second question is: How come the BLM study showed that the smaller area would be no good. According to what they said, the BLM, the BLM said the smaller withdrawal would not be what the Air Force wanted; and the BLM made the study, not the Air Force, that the Air Force needed the larger withdrawal.

COL LACY: As I understand the question, you're asking why the Bureau of Land Management indicated a larger need on the part of the Air Force than the Air Force indicated?

MR. LESICKA: Right -- No, no, no, no, no. Originally, it was for a smaller--- Colonel Crook said that the BLM on that second, when they were

going to make a smaller withdrawal of 25,000 acres, that the BLM went out; and then on their survey, and that wouldn't come up with what the Air Force wanted. Now, where does the BLM come up to make decisions for the Air Force?

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COL. LACY: Can Mr. Tilzey or Mr. Maxwell answer that question?

MR. TILZEY: What we did, was take the criteria that the Air Force gave us on their needs out in the area, and applied that to the area. And what that showed was, on the study, that a smaller area would not satisfy the Air Force's requirements.

MR. LESICKA: In other words, all you did was take what the Air Force thought they wanted, and made a study itself?

MR. TILZEY: They provided us with certain elevations, certain points that we were to examine it from; and we had the facilities to put it into the computer and run it. And so, we ran it, and it showed a smaller area would not provide that security.

MR. LESICKA: All right. Well, I disagree with that, but that's okay. Thank you.

COL. LACY: Thank you, sir.

COL. KUMINECZ: Colonel Lacy, might I suggest that the gentlemen from our staff that are answering the questions, please try to do so in the loudest possible voice for the benefit of the audience.

COL. LACY: Yes, please do, and also for the benefit of the reporter. Are there additional questions? Yes, sir. Would you please come forward? And again, please restate your name.

MR. BENEZET: Louie Benezet. Yes, I wanted to ask specifically why that safety and security criteria that was given to the BLM is not included

in this document?

COL. LACY: Again, I'll ask Mr. Tilzey to answer that question, if he can.

MR. TILZEY: About the only thing I can say on that is, it's about three sheets, about this long (Indicating), and very difficult to put into a page-sized document. What we have is about three sheets this long by this., that if you reduce it down, it shows you nothing.

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MR. BENEZET: How is anybody going to make a decision regarding the possible use of the second alternative; that is to say, a smaller area? In other words, wouldn't it be necessary for, in addition to being told what the criteria are that require the setup, what the size of an area should be, the withdrawal should be, what the Air Force criteria are, in addition to that, don't we also have to have a proposal of an additional, of a smaller area, a specific proposal to be evaluated?

COL. LACY: We will note that question, and if appropriate, it will be addressed in the final document.

MR. BENEZET: I do have a second question. May I ask it now?

COL. LACY: Certainly.

MR. BENEZET: All right. The question regards the protection of historic and archaeological sites. The DEIS says that one advantage of this proposed action is that these sites will be protected; but it contradicts itself by saying that one other possibility is that there will be unregulated destruction of these sites by people that are clear for access to the area. And what I would like to know is, has there been any such destruction, to your knowledge?

COL. LACY: Dr. Cochran, can you answer that?

DR. COCHRAN: I'll come up to the front. I didn't anticipate answering any questions myself. When we got out in the field, Lonnie made us where pants without any pockets in them. Dr. Pippin does the archaeological work.

DR. PIPPIN: To answer your question directly, there are sites on the Groom Range that have been impacted, they have been impacted by cattle trompling, and things like that. By not allowing public access to the land, you will reduce the amount of vandalism or potential vandalism that you would have to those closed regions. You would not eliminate that, of course.

MR. BENEZET: My specific question was: is there any indication that the people cleared for access to the area, presumably Air Force personnel or employees, have caused any destruction to sites on the area?

DR. PIPPIN: It's very difficult -- no.

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MR. BENEZET: Is it true that the mill at the Groom Mine was bombed in the past?

DR. PIPPIN: I visited the Groom Mine and the mill area. It's obvious that something has happened there. Whether it's been bombed or not, I have no idea.

MR. BENEZET: Thank you.

COL. LACY: Your welcome. I believe this gentleman was next. He had his hand up earlier.

MR. VAN RŌEKEL: My name is Glenn Van Rōekel, and I'm Director of Community Development for the City of Caliente. And I'd like to address a question on the Draft EIS on page 4-19. It states that the Air Force and

the BLM believe it's desireable to mitigate potential adverse impacts to Lincoln County, and yet, in this assessment, you have not recommended any of our suggestions or mitigations that we requested on ecconomic impacts; and the seven that you recommended don't affect us ecconomically.

And I just wondered, because you do state in here that you desire to mitigate economically, are you going to come up with a different idea to help us out, or are you going to -- it states here that you desire to do it, but at the same time, you're not recommending anything that we've asked you to do.

COL. LACY: Even though I'm not knowledgeable, I think, based on the understanding I've gleaned tonight, I can answer that. There are mitigation actions that the Air Force has considered, either because it thought of them itself, or because others suggested it. Then after the Air Force and Department of Interior evaluation, they were not recommended. That does not mean that they are excluded from additional consideration because the proposals are still open. That's one of the purposes for this meeting.

A failure to recommend by the agencies preparing the document does not, by any stretch of the imagination, go to that being the final decision. Now, if I'm incorrect, Captain Zona --

CAPT. ZONA: Correct, sir.

COL. LACY: All right. I think that's an administrative question rather than a substanitive one; but does that satisfy your concern?

MR. VAN RŌEKEL: Yes.

COL. LACY: Yes, ma'am, if you'd please come forward.

MS. ARMSTRONG: I'm Gail Armstrong, County Commissioner from Lincoln

County. I'd like to address a question to the DRI in regards to the Deep Carbonate Aquifer study that's going on in Clark County and in Lincoln County, whether this withdrawal will impact that study that is being made by the U.S.G.S. and Bureau of Reclamation?

COL. LACY: Dr. Cochran, can you answer that, please?

DR. COCHRAN: I'll try that one myself. I don't believe that the withdrawal will impact the progress and the Department study. When we were in the area doing the field work for the Environmental Impact Statement, we were inquisitive by nature; we attempted to make maximum advantage of our being out there.

One thing with DRI doing the study, we are a state agency, and we have our own interests at heart in this whole thing. We've tried to pull this whole thing together in an honest prospective in the analysis, and I guarantee that we did our utmost in that.

The Groom Mountain Range may serve as a point of recharge to the deep carbonate system. As such, it would not be an area that one could anticipate developing as a supply point within the system; and it might be an area that one would consider trying to protect, because it maybe a point of entry of waters to that system.

We don't know that it is. There is no hydrologic data to speak of on the area. There's no meteorologic data. We have very little understanding about ground water recharge mechanisms and particularly to the deep carbonate aquifer system as we envision it. And so, I do not feel personally that loss of access to that will seriously compromise our future studies and possible development of that deep carbonate system. I hope

that accurately answers that question.

MS. ARMSTRONG: That answers it. Thank you.

COL LACY: Thank you very much. Are there any additional questions? Yes, sir, would you please come forward.

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(63)

MR. SMITH: My name is Lenard Smith, and I was up here previously, but I have a question about, that deals with the cost of the paving of the road, the $160,000 a mile. I'm wondering why it costs so much, and would it be possible for Lincoln County to enter into a cost-sharing arrangement with the Air Force to do this at considerably less cost?

COL. LACY: Colonel Crook, do you know anyone that's qualified to answer that?

DR. COCHRAN: My name is Gil Cochran from Desert Research. And the cost data that was developed on the road paving was that which was obtained from the State Highway Department. Those were their estimates just based on strictly mileage. It did not include drainage structures and probably quite a bit of other work that would have to be done to bring that up to a true paved road status.

The second half of your question, I have no way of answering that. It's something that you might ask the Air Force.

COL. LACY: I'm not sure that those people here tonight can answer that question about some cost sharing arrangement. The question, again, will be noted and will be addressed after being considered in the final document, however.

MR. SMITH: Thank you.

COL. LACY: Will that be satisfactory?

MR. SMITH: Yes.

COL. LACY: We're talking about economic considerations beyond a level to obligate.

108 (63)

MR. SMITH: We feel the cost of paving the road -- the oil itself would only cost $16,000 a mile. And if the road is already there, and if it's a fairly good road -- I've never been on it so I don't know what specifics would be required -- but I feel like the Lincoln County Road Department could do it at a very considerable savings.

COL. LACY: That will be noted and I'm sure addressed in the final document. Yes, sir, would you please come forward.

109 (64)

MR. DAVIS: My name is Morley Davis. I'm from Caliente, and I'm retired. Now, in regards to this mitigation measures, it says that the Kane Springs Road is not recommended: Not relevant to withdrawal, state and county political matter. Now, did the state or the county, either one, say that they were against this, against having that road paved?

COL. LACY: Dr. Cochran, is there someone from DRI that can answer that?

DR. COCHRAN: I think, at this point, it is too early to say that the state or county have not said that they are in favor or against that. We were supposed to have a briefing last Friday in Carson City that didn't come off, so, we have not had the benefit yet of those comments.

MR. DAVIS: Well, will you check with the state when you have your meeting and see what they say: if they are for it or against it?

DR. COCHRAN: We can ask that question, specifically. I see no reason not to make it a specific question.

MR. DAVIS: Then would they help the Air Force put in the road?

DR. COCHRAN: I can't answer that question for the State.

MR. DAVIS: Thank you.

COL. LACY: Thank you, sir. Yes, ma'am, you may come forward.

MS. SIMKINS: I have a number of questions. In your document you mention the Sheahan family and their Groom mining interests. Are they the only family -- are they the only people that have mining interests in this area, and if not, who are the others, and why weren't they -- why were the Sheahans the only people who you gave a name of? Why didn't you tell the other people's names, if there are other people.

COL. LACY: This is Connie Simkins. Can you answer that, Mr. Tingley? Or is there someone else who can?

MR. TINGLEY: We mentioned the Sheahan family because of their long-term association. It is a family with several other names, and they own the patented ground within the Groom area. There are three other claimants. Mr. Lesicka, there, is one of them. The Fillini family, I believe, has some claims in the northern part of the area, and a Colonel Cowan has some claims in the northwestern part of the area. Those are all mentioned on the map, and the document is within them. I believe it's within the DEIS.

110 (65)

MS. SIMKINS: I have another question. You speak about maybe the Air Force would buy the mining interest, and you speak about an appraisal of this. Who will do that appraisal on section 2-2?

MR. TINGLEY: I can't really answer that. That would be up to the Air Force and the property owners on the agreement of that.

MS. SIMKINS: Thank you. In your document you -- I see in print that

the area, the proposed area is 19 miles north and south, in the north and south direction. I don't see anywhere in there the measurement for the east and west direction. What is that measurement?

COL. LACY: I don't know what it is, but I think there's a metes and bounds description contained in the document, is there not?

PROF. FORDHAM: About eight miles.

COL. CROOK: It's stated in the document.

MS. SIMKINS: Where is it?

COL. LACY: I think it's in the first appendix. I know it's in there.

COL CROOK: There's a scale right there.

PROF. FORDHAM: Approximately eight-and-a-half miles at the widest. It's not quite a rectangle.

MS. SIMKINS: Thank you. I'd like to know if the Rock Springs Pipe and water use will continue if your proposal is accepted?

COL. LACY: Professor Fordham, can you answer that?

PROF. FORDHAM: The proposed action will not change the water resource use at all right now, so, the person who has the rights to use that water will continue to have the rights.

MS. SIMKINS: It can still be piped off the area and used as it is now?

PROF. FORDHAM: That's his water right. It will not change. The proposal will not change his water rights.

MS. SIMKINS: You speak about maybe having to fence the proposed area. I'd like to know what government agencies' fencing criteria you're going to use. In the past, we have been, had differences of opinion between the different government agencies, such as the BLM and the Department of

Wildlife, and the Fish and Wildlife Service. Each one seems to have a different criteria for what they consider a fence should be. I'd like to know which criteria you're going to use if you build this fence.

COL. LACY: Colonel Crook, can you answer that?

COL. CROOK: I can try. I'm not an expert on fences; however, similar to the southern area of Nellis complex when the fence was built, all the agencies got together and decided which one was best. I don't know if they used one particular one, but all the agencies decided. One agency will not put their fence up if that decision is made. All the agencies will get together and come up with a fence. And that's what happened in the southern area.

MS. SIMKINS: I can see a particular conflict here; for instance, the NWW thinks a fence shouldn't be able to restrict mountain sheep from going, and they have a certain number of inches that the wires are apart. And that is not considered with what the BLM thinks would hold a cow out.

COL. LACY: Is this a question? It sounded like a statement, to me.

MS. SIMKINS: No, I'd like to know which set of criteria, how you're going to build that fence. Are you going to keep the cows in or out, or are you going to keep the sheep in or out?

DR. COCHRAN: I'll try to help you out on this one. There is not a proposal to build a fence. There is the possibility that a fence will be built. If --

MS. SIMKINS: Are --

DR. COCHRAN: Let me finish, please. If such a fence were to be built, we assumed, on page 4.1, for purposes of a worst-case analysis, that that

fence would be one that would be passable by wildlife; and that's a 42 inch, three strand: Am I not right, Ed? This is the wildlife-type fence. The fence would not be designed, as we understand at this point, to keep people or anything out. It's is a boundary delineation.

MS. SIMKINS: Are you goint to keep --

COL. LACY: Any addition, Mrs. Simkins? Would you use the microphone, please.

MS. SIMKINS: I'm sorry, but I didn't get from your answer: are you going to keep cows in or out?

COL. LACY: I don't think that that can -- well, perhaps you can answer it.

DR. COCHRAN: Dr. Pontrelli is our wildlife, wild horse expert, so to speak.

DR. PONTRELLI: Yes, this is a fence that's designed to restrict cattle passage and allow wildlife passage through as much as possible.

MS. SIMKINS: All right, thank you.

MS. SIMKINS: In your section 4.2.10, you speak about the true value of a grazing AUM. I'd like to know, if you take into consideration in that value the dollar value of the operator/owned improvements on that grazing allotment?

COL. LACY: Is there anyone who can answer that?

COL CROOK: What page is that on?

MS. SIMKINS: 4.2.10.

COL. LACY: Mr. Maxwell, can you answer that?

COL. CROOK: It's page 4-9.

MR. MAXWELL: As far as I can derive from that, that was a figure that was used, an assumed figure that was used to do an economic evaluation. It is not the figure, it is a figure used, an assumed dollar figure used to do an economic evaluation. It's not the figure that's being bandied around in Congress, which, I believe, an economic study was around six dollars and some per AUM, as an AUM value.

MS. SIMKINS: That doesn't answer my question. In its evaluation -- did you add into that evaluation the dollar value of the operator/owned improvements?

MR. MAXWELL: All right, I'll answer it. No, we didn't. It was not the type of figure we were using. It's a value of the AUM. If you want to use the real value, it's $1.34.

111

MS. SIMKINS: I thought the two were commingled. This is for the NDOW. In line -- or page 4.4, it speaks about the proposal to reintroduce big horn sheep, and this is something they've been working on since 1974, according to this document; and they said they have not reintroduced big horn sheep here. I'd like to know why.

COL. LACY: Dr. Pontrelli, can you answer that?

(66) DR. PONTRELLI: I don't think I can answer for NDOW as to why they have not reintroduced big horn sheep.

COL. LACY: What does that acronym stand for?

MS. SIMKINS: Nevada Department of Wildlife.

COL. LACY: Well, they are not represented here or are a party to this --

MS. SIMKINS: He's here.

111 ⑥⑥

COL. LACY: They are not represented as a government agency. I think you, as a citizen of Nevada, can converse with them all you want, privately.

MS. SIMKINS: There was a thing in your document that I had a question about.

DR. PONTRELLI: They had plans to introduce the big horn sheep, but they were not able to reintroduce them. I do not know exactly why.

MS. SIMKINS: On page 2-1 in section 2.2, you speak about the smaller alternative, that you feel that if you had the smaller, adopted the smaller area, it would minimally satisfy safety and security criteria. I'd like to know if the alternative is true, or the opposite is true: if you get the larger area, will you have larger impacts than are predicted in this assesment?

COL. LACY: Colonel Crook?

COL. CROOK: I'm not quite sure that your question --

MS. SIMKINS: All right. In the area, talking about making it smaller than the 89,000 acres, you speak that if you, if you had the smaller area, it would minimally satisfy safety and security criteria. I wondered, if you made it larger, would the safety and security criteria have to be different, or would it satisfy that; would it be larger than --

COL. CROOK: Are you saying larger than the proposed action? I don't think I can address that.

MR. TILZEY: What it says in the book is, it would not satisfy, if you can read it right there, it says, "BLM concluded that a smaller or differently shaped withdrawal area would not safisfy the Air Force safety and security criteria."

MS. SIMKINS: But these criteria are minimally satisfied by the existent boundaries.

MR. TILZEY: By the existing boundary, the 89,000 acres, period. The smaller area would not satisfy the criteria.

MS. SIMKINS: It said "existing boundaries." I thought when you were talking about the smaller areas, it would be --

MR. TILZEY: No. The boundaries as it exists now.

112 ⑥⑦

MS. SIMKINS: All right. The last question. What will you do if the environmental impacts on this area are greater than what your book says?

COL. CROOK: That's a question that will be addressed in the final document. Yes, sir, if you d please come forward.

MR. SEARS: Colonel, my name is Jerome Sears. Just a matter or clarification: My brother and I, Tom Sears, and Jerome Sears, are co-owners of the Groom Mine with Dan Sheahan. We have been completely left out of all contact except the last meeting we came here, we did sign up and were advised that from that point on, we would be contacted. We have not. Thank you.

COL. CROOK: I apologize on behalf of the Air Force for not having contacted you. Thank you for bringing it to our attention. Yes, sir.

113 ⑥⑧

MR. BENEZET: Louie Benezet. I'd like to ask you if you have any reason to believe, based on past experience, that there was any safety risk prior to your original takeover of the area, and what you think the safety risk would be now if it were to revert to public land?

COL. LACY: Colonel Crook, can you answer that question?

COL. CROOK: That will be addressed in the Final EIS.

114 (69) MR. BENEZET: I'm very glad to hear that. Thank you. As to the other question regarding the protection of the national security, I'd like to know if there is any reason to believe that the national security was at risk or endangered by access of people to the area prior to your takeover, and if it would revert to the public now, do you think -- what do you think would be the risk to the national security?

COL. LACY: Colonel Crook, did you hear that question?

COL. CROOK: The same thing, addressed in the Final EIS.

MR. BENEZET: Glad to hear that. Thank you very much.

COL. LACY: Are there any further questions? Yes, ma'am, would you please come forward.

115 (17) MS. DULGAR: My name is Sandra Dulgar. I'm Administrative Assistant to the Lincoln County Commissioners, and my question is: Has there been an acreage assesment of the value of the land being taken, dollar value, just as ground, just as you would go in and assess anyone's piece of property? And if there has been a dollar assigned to that, I'd like to know what it is. It maybe in the draft, but, unfortunately, given the limited length of time I had it in my hands, I wasn't able to see that.

COL. LACY: Dr. Cochran will come forward and answer that.

DR. COCHRAN: A very simple answer: no.

COL. LACY: Thank you. If there are no further question, I'll remind you that if anyone does have -- excuse me -- would you please try to finish all of the questions you may have at this time without going back and dreaming up more.

MR. BENEZET: I'm sorry, sir, I'm not trying to dream them up. I have

given this matter as much thought as I could for the last two weeks. It's very difficult, under the circumstances, to organize my thinking, to present everything while I'm on the stand here, all right? I realize I'm a little nervous, you know; I'm likely to forget something, but I will remember it, hopefully.

What I would like to know is, have other potential alternatives been considered, such as: Instead of limiting the area to a smaller area, allowing controlled access to a larger nember of individuals? And another possible alternative: has any thought been given to changing operations on the Test Site in such a way --

COL LACY: Stop for a moment, please. Let's -- one question at a time. Repeat the first question.

116 (9) MR. BENEZET: The first question is: The proposed alternative is the full area. The second alternative, which you don't recommend, is a smaller area. Another way, presumably, of dealing with the problem would be to limit the area to, limit the access to less than all the public but to clear certain elements of the public for access.

COL. LACY: Into the larger area?

MR. BENEZET: Yes, any part of the area.

COL. LACY: Colonel Crook, can you address that, please?

COL. CROOK: To my knowledge: no.

MR. BENEZET: I would like to see that, if you could include that. And my next question is: has any thought been given to discontinuing or altering your activities in the Nellis Air Force Range in such a way that they would not endanger the public or be at risk to the national security?

COL. LACY: Colonel Crook?

COL. CROOK: No.

COL. LACY: Are there any further questions? If not, I'll remind you that if you do have a written statement that you would like to submit tonight, you can certainly do so by handing it to me or to Colonel Kuminecz or to Captain Laver here before you depart. Let me remind you once again: statements must be submitted in writing before the 30th of this year to Captain Zona at the address shown on that slide.

In addition, if you wish to receive a copy of the Final Environmental Impact Statement and have not already signed up, please do so over at this table before you depart, warning you again that there maybe a fee charged for the copying of that document. And let me express my appreciation to all of you for participating in this public process tonight, and for the interest that you have shown in your community in a process that may have some impact on it. Thank you very much. This meeting is adjourned.

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**Board of County Commissioners of Lincoln County, Nevada**

COUNTY COMMISSIONERS
GAIL ARMSTRONG
LENARD SMITH
KEITH WHIPPLE

P.O. BOX 329 PIOCHE NEVADA 89043
TELEPHONE (702) 962-5185

DISTRICT ATTORNEY
EILEEN BARNETT
COUNTY CLERK
ESTHER F. COLE

TO: U. S. Air Force

RE: Public Hearing
DEIS Comment
Groom Mountain Range Withdrawal

November 19, 1985

Gentlemen:

Thank you for providing an opportunity for us to comment on the Draft Environmental Impact Statement for your proposed withdrawal of the Groom Mountain Range.

Unfortunately, since we cannot present you with a complete series of comments right now, we will have to forward them to you in writing later. We did think, from the schedule you sent us last spring, that the Draft Statement would be out in September. Because we did not receive it until October 30, we feel that there should have been a little more time provided for everyone to get ready for these hearings.

The Air Force proposes to withdraw 89,600 acres, including the Groom Mountain Range from the Public Lands for the purposes of providing a security and safety buffer next to the Nellis Air Force Range.

The Groom Mountain Range is not like the low, alkaline flats which the military have taken for weapons testing in the past. It is one of the higher mountain ranges in Lincoln County, with it's highest point of over 9,300 feet. Much of the high land is pinion woods with small stands of fir and pine. There are numerous springs and the area supports fine populations of deer and small game as well as providing ample vegetation to support about 400 head of cattle.

Groom Mountain is ranked fifth or sixth in importance amoung the sixteen mining districts in Lincoln County and the Groom Mine, which has produced over a million dollars, primarily in lead and silver, still has significant reserves. The area is extensively mineralized, but has not been adequately explored.

Cultural resources include historical Indian sites, and the oldest mining site in the County, all, for the most part, undisturbed.

It appears there will be a number of serious impacts resulting from the Groom Mountain land withdrawal because the Air Force proposes to prevent virtually all public access to the area. This will eliminate all hunting or other recreation, as well as all scientific or historical studies of

117 (70) the Groom Mountain Range. The withdrawal will limit livestock grazing and mining to present levels, which, in the case of grazing, is only about one-sixth of what the area can support, and in the case of mining production is about zero. Eventually the Air Force may end the agreement whereby the one rancher and the owners of the mining claims are allowed limited access.

Though these impacts are all included in the DEIS it appears that the Air Force statement under-estimates their importance, especially as it regards the economy of Lincoln County as a whole. This is partly because the study, which has to be prepared in order for congress to allow the withdrawal, has been done after the fact. When the Air Force started keeping people out of the Groom Mountain Range in 1978 this limited the hunting, grazing and mining at that time. It also prevented exploration and historical and scientific studies which could have provided more information on the resources for use in the present statement. At present it prevents the public from being able to verify many of the points in the DEIS.

118 (71) Thus, to stick to the economic impact, if the DEIS can say, as it does, that the economic value of the livestock grazing on Groom Mountain is $35,000.00 based on present A.U.M.'s, then it should also say that the amount of grazing the area could be supporting is worth about $200,000. Using table 3.14, one dollar increase in incomes to the agricultural sector increases incomes in Lincoln County by $1.77, so apparently the loss of grazing on Groom Mountain would be even greater in it's effect on the County economy as a whole.

119 (72) In the same way the economic value of recreation on Groom Mountain increases from $40,000.00 to $500,000.00 if you base it on the potential of the area rather than past use and use the same method of figuring as was used by the Air Force.

120 (73) You cannot place a dollar value on future mining potential in Groom Mountain. But the DEIS should contain more information on assay values and estimated tonage of known, probable and possible reserves. Some of this information is available in existing mining documents, but the DEIS should have more information that can only be gained by onsite geological sampling and engineering studies. More information on mining in Lincoln County as a whole would also help show the relative importance of the Groom district. For instance, it should be pointed out that the geology of the ore deposit of the Groom and Black Metal mines is very similar to that of the Pioche district, historically one of the richest districts in the State of Nevada, and that the Pioche shale formation, in which these ores occur, covers only 1% of the county.

U. S. Air Force
Public Hearing re: Groom Mountain Withdrawal
DEIS comment, 11/19/85

From: Lincoln County Board of Commissioners

Page 3

121 ⑤② Under potential for scientific research in the Groom Mountain area, mention should be made of the Deep Carbonate Aquifers study currently being conducted by the Desert Research Institute. As mentioned in the DEIS, Groom mountain is a very important area in terms of ground water recharge in the vicinity of the Nevada Test Site. Inability to do a complete study of Nevada ground water resources because of restricted access to Groom Mountain and the other military withdrawals is an important impact.

Given the extensive impacts resulting from the proposed Groom Mountain withdrawal, many of which will have long term effects on the economy of Lincoln County, full consideration must be given to all potential mitigation measures. Suggested mitigations numbers 12 and 13, which concern improvements to the Nevada Test Site/Rachel road and Kane Springs road, respectively, are endorsed by the Lincoln County Commissioners. Taken together they would provide significant, if not adequate, compensation in terms of Lincoln County's economic development.

We would also strongly recommend adoption of mitigation measure number 18 which would allow controlled access to qualified individuals for scientific studies and research. The importance of historical, geological and ground water, in addition to ecological resources of the Groom Mountain area warrant adoption of this measure. This mitigation should be expanded to include controlled mineral exploration of some, if not all, of the known sites on the range.

122 ⑦④ Finally we would like to take advantage of this opportunity to request that right of access be extended to the Lincoln County Assessor for property tax evaluation. Due to present and past lack of such access Lincoln County currently receives payment based on out-dated assessment of property in the Lincoln County area of the Nellis Air Force Range and Nevada Test Site.

Lenard L Smith

Gail D. Armstrong
COMMISSIONER

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RECEIVED NOV 15 1985

**Board of County Commissioners of**
**Lincoln County, Nevada**

COUNTY COMMISSIONERS
GAIL ARMSTRONG
LENARD SMITH
KEITH WHIPPLE

P.O. BOX 329 PIOCHE NEVADA 89043
TELEPHONE (702) 962-5185

DISTRICT ATTORNEY
EILEEN BARNETT
COUNTY CLERK
ESTHER F. COLE

MOTOIN. Billie WILLIAMS WASHOE
2ND. HERB WITT DOUGLAS

SUI OR PASSED

Nevada Association of Counties
308 N. Curry, Suite 205
Carson City, Nevada 89701

Atten: Acting Director/President
Mark Schrader

November 12, 1985

Re: Groom Lake Land Withdrawal

Dear Mark:

Lincoln County would like to request the support of NACO regarding mitigation of the above encaptioned Land Withdrawal as proposed by the Department of Defense and the U.S. Air Force.

Both from the standpoint of potential mining activity and the Deep Carbonate Aquifers study, this land withdrawal will impact Lincoln County severely over any extended period of time.

We are all aware of the tremendous economic struggle Lincoln County is having and the need to protect any source of future development. This withdrawal, under the proposed conditions presented in the Draft Environmental Statement (copy enclosed), would severely hamper development of the mining potentials in the Groom Lake area as well as prohibit the in-depth study necessary for the Deep Carbonate Aquifers project.

123 ⑱ The primary mitigation we are requesting is that the road leading to the back gate to the Test Site be oiled. This would encourage more of the Test Site employees to live in our area rather than travel the greater distance to Las Vegas, as well as eliminate many hours of travel time for those already residing in Lincoln County. The economic boost this would give to our area is self-evident. Further, we feel that greater flexability is needed in the proposal concerning access to this area by mining interests and the aquifers project.

Any assistance NACO could render in this matter would be greatly appreciated. I will be happy to answer any questions you may have regarding this request.

Thank you,

Gail Armstrong
Gail Armstrong
Member, NACO Board of Directors

Resolution ADOPTED 18 NOV-1985 L.V. NEV.

sd/GA

# STATEMENT OF THE CITY OF CALIENTE
Lincoln County, Nevada

Nov 19, 1985

Addressed to the Department of the Air Force [redacted] at a Public Meeting in the City of Caliente, concerning an Environmental Impact Statement (EIS) for removal of the Groom Mountain Range land withdrawal.

My name is George T. Rowe. I am Mayor of the City of Caliente, Nevada. I am here this evening representing the City of Caliente and to express our concern about possible impacts which may occur to the area as a result of withdrawal of more public lands in Lincoln County.

In general, the City of Caliente is greatly dismayed that the Department of the Air Force fails to address possible impacts specific to our area. It is my hope that as this withdrawal process moves forward, Lincoln County and the City of Caliente will be mentioned in your studies and statements as the major impact area.

Our citizens are good Americans and we support our Government's need of a strong national defense. Through past experience, however, we have questions concerning the government's actual needs, compared to what seems to be a compulsory land grab that would withdraw recreational and mining areas from Lincoln County citizens. The Groom Mountain Range is abundant with trees, wildlife and mineral resources that all have the potential of providing an 124 ⑪ economic boost to our depressed area. I would like to ask that as you prepare for future public hearings concerning this withdrawal, you also qualify the need of more than 89,000 acres of our county.

As is the case in much of Nevada, in the past few years our community has embarked upon an ambitious economic development program. This program has included an inventory of natural, human and public infrastructure resources which could support economic development activities in Lincoln County and 125 (53) the City of Caliente. We would request that as your evaluation of impact studies continue, a socioeconomic impact of Lincoln County be included for our comment.

If indeed the plans for withdrawal are made definite and our land is taken, what will we receive in return? Will the Air Force provide monies to a state general fund that would in turn distribute the proceeds to populas Clark County? If this would be the case, I ask that you immediately drop all Groom Mountain withdrawal proposals and seek out a location for withdrawal in Clark County. If you feel you must impose on Lincoln County lands, you must also be prepared to provide the residents of Lincoln County with either cash or in-kind services that would match the magnitude of your request.

One way this could be accomplished would be to pave the back access road to area 51 at the test site. This could provide an economic boost to our area by encouraging more test site workers to live in Lincoln County. Another positive boost to our area would be to complete paving on SR317, also known as Kane Springs Road. This would provide an immediate tourist influx to our area.

STATEMENT - Page 2

I realize that this meeting is an informal scoping and that these comments would be best received in future public hearings. However, it seems that when outside government agencies show an interest in our area, the resulting compromise never fails to deliver a damaging blow to economic livelihood. I therefore ask that these comments now become an official part of public record, and be considered in future studies and assessments concerning withdrawal of our public lands.

## 2.7 PUBLIC HEARING FOR RENEWAL OF GROOM MOUNTAIN RANGE WITHDRAWAL, NOVEMBER 20, 1985, ALAMO, NEVADA

Reported by
Larry Gantverg, Court Reporter
Holmes & Narver, Inc.
Reporting Division

NOTE: Alamo Public Hearing

The formal Air Force presentation at each of the public hearings (Caliente, Alamo and Las Vegas) was made from a prepared script. Thus, with minor and inconsequential differences the Air Force formal presentations are essentially verbatim the same. In the interest of cost efficiency and reducing the length of this final EIS, only the transcript of the Air Force formal presentation at Caliente has been reproduced in this EIS. The complete transcript of the public comment, and question and answer portion of the public hearing in Alamo is reproduced in this EIS. The reader is referred to the Caliente hearing transcript (Sec. 2.6) for the formal Air Force presentation. A copy of the actual transcript of the Air Force formal presentation at Alamo may be obtained by writing or calling:

Director Public Affairs
USAF Tactical Fighter Weapons Center
Nellis AFB, NV 89191-5000

(702) 643-2750

draft EIS does not reflect what mitigation measures would or would not be accomplished, but rather provides a list and recommendation for the Air Force and Department of the Interior to consider in preparing their recommendation to the Congress of the United States.

Ladies and gentlemen, thank you for the opportunity to come here on both of these occasions. Now I'll turn it over to the Hearing Officer to conduct the final portion.

COL. LACY: Thank you very much, Colonel Crook. At this time I'll ask anyone if they have changed their mind in a desire to speak on this subject.

Apparently not. Is there anyone who has a question or questions to address to the agency representatives?

MR. HIGBEE: Vaughn Higbee. Do you intend to fence this area?

COL. LACY: Can you address that, Colonel Crook?

COL. CROOK: The decision right now to fence it has not been made. What we are saying is that if a decision to fence the property is made, the proper fence will be established; and all archaeological areas that it traverses will be surveyed.

MR. HIGBEE: How is that going to affect the users there, the grazing permittee?

COL. CROOK: Bob?

COL. SMITH: The grazing permittee currently has in his posession a letter from one of the Undersecretaries of the United States Air Force stating that he does have access, will continue to have access. That's the policy of the Air Force at this time; and I see no change in that in the future.

COL. HIGBEE: I have one more question. When does this all cease, this

taking of these lands? Is it going to continue just one little section at a time from now on? That's the -- you know, I've been in Lincoln County all my life, and it's just been one continual step after another to take this land --

COL. LACY: Excuse me. I'm not sure that that's a proper question in this forum. We're addressing only the environmental impact of this particular renewed Withdrawal. I'm sorry.

MR. HIGBEE: All right. That's all I have, other than it makes me sick to see what's happening.

COL. LACY: Are there any further questions? I'll remind you once again, that if you wish to submit a written statement, it may be turned in to me or at the door as you depart tonight, or it may be mailed as long as it's submitted before December 30th, to Captain Zona at the address on this slide. If no one else has anything further, this hearing is adjourned.

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## 2.8 PUBLIC HEARING FOR RENEWAL OF GROOM MOUNTAIN RANGE WITHDRAWAL, NOVEMBER 22, 1985, LAS VEGAS, NEVADA

Reported by
Larry Gantverg, Court Reporter
Holmes & Narver, Inc.
Reporting Division

NOTE: Las Vegas Public Hearing

The formal Air Force presentation at each of the public hearings (Caliente, Alamo and Las Vegas) was made from a prepared script. Thus, with minor and inconsequential differences the Air Force formal presentations are essentially verbatim the same. In the interest of cost efficiency and reducing the length of this final EIS, only the transcript of the Air Force formal presentation at Caliente has been reproduced in this EIS. The complete transcript of the public comment, and question and answer portion of the public hearing in Las Vegas is reproduced in this EIS. The reader is referred to the Caliente hearing transcript (Sec. 2.6) for the formal Air Force presentation. A copy of the actual transcript of the Air Force formal presentation at Las Vegas may be obtained by writing or calling:

Director Public Affairs
USAF Tactical Fighter Weapons Center
Nellis AFB, NV 89191-5000

(702) 643-2750

EIS. There is considerably more detail in the EIS and I encourage you to read it. I do want to point out one more time that the draft EIS does not reflect what mitigation measures would or would not be accomplished, but rather provides a list and recommendation for the Air Force and Department of the Interior to consider in preparing their recommendation to Congress.

Ladies and gentlemen, thank you very much for your attention. I'll now turn it back over to the hearing officer.

COLONEL LACY: Thank you very much, Colonel Crook. Before we proceed with the public statements, I'd like to recognize, representing Senator Paul Laxalt, Cristi Bulloch, who joined us late. Thank you very much for your attendance.

At this time, we have a number of people who have asked to comment publicly on this; and again, I'll remind you that we have a flexible three-minute time limit, and we'll give people as much room with that as we can. First, we have Mr. Don Wilson who represents Representative Henry Reid.

MR. WILSON: Harry Reid.

COLONEL LACY: Harry Reid, excuse me.

MR. WILSON: Thank you, Colonel Lacy, and thank you Colonel Crook, Colonel Smith. My name is Don Wilson. I am a staff representative of Nevada Congressman, First District, Harry Reid, and am attending this Air Force hearing in Las Vegas to read into the Official Record the Congressman's statement. He asked me to express his regrets,

Colonel Crook, that he couldn't be here personally, but duty calls in another part of the country.

He said, "I want to thank the Air Force for conducting these three hearings in Caliente, Alamo, and Las Vegas. I am pleased to have this opportunity to address the problems and concerns of Nevadans about the mitigation measures recommended by the Air Force to compensate Nevadans for the withdrawal of 89,600 acres of and . . . better known as the Groom Mountain Range.

"First, I want to make it absolutely clear that a vast majority of all Nevadans support the military and its attempts to meet the nation's defense and security requirements.

"I am among that majority. In fact, earlier this month, I testified before a Congressional hearing in support of legislation that provides for the continued withdrawal of the lands for the Nellis Air Force Bombing and Gunnery Range.

"We Nevadans are proud of the relationship that exists between Nellis Air Force Base and the people of Nevada. The significant economic impact of Nellis is well known and understood clearly. On the other hand, our state and community provide the Air Force with the environment it needs to meet its training missions. Nevada also provides Nellis Air Force Base with the social, educational, recreational, cultural, and religious environments that Base personnel and their families need in order to ensure the quality of life they deserve as they serve our country. It's a relationship that has

benefitted us all.

"Yet, many Nevadans are concerned -- and the numbers are growing -- about what appears to be the excessive militarization of Nevada. We have the Gandy withdrawal on our eastern borders, e have the Navy withdrawal in northern Nevada, we have the Nellis Air Force Bombing and Gunnery Range, as well as the Groom Mountain Range addition. All of this totals more than three million acres. Then, of course, there is the restricted or withdrawn AIR space required by the supersonic operating areas and the other military operating areas. This type of withdrawal comes to more than ten million air acres. And, of course, we shouldn't forget the restrictions imposed by the Nevada Test Site.

"In spite of all of this, I think the situation that concerns and upsets Nevadans most is in the process by which these withdrawals have been made.

"Groom Mountain is a perfect example. The Air Force restricted and stopped access for years without legal authority. Then, after outcries from citizens and Congressional hearings, the legal authority, though temporary, was passed into law. Colonel Crook referred to Public Law 98-451 and that's what he's talking about.

"The Draft Environmental Impact Study being analyzed tonight does little to alleviate those concerns. I have received numerous inquiries regarding its quality, and I'm sure that many of these issues will be raised again tonight.

"I will leave the technical concerns to others, reserving the right to pursue them further in Congressional hearings, if necessary.

"For background purposes, I would like to have it understood that I do not take this withdrawal lightly.

"I have been to the Groom Mountain Mine Site. I am fully aware of the problems that an unpaved Rachel Road present for the people of Lincoln County. I have been to the Test Site itself and been briefed on the very reasons for which this withdrawal is being requested.

"I have had staff at hearings in Caliente, Alamo, and now Las Vegas.

"The fact that I'm fully aware of this withdrawal is what makes the mitigating aspects of the D-E-I-S so disappointing. It appears to me that the 18 suggested mitigation measures were treated as a Christmas wish list and, for the most part, discarded as irrelevant or too expensive.

"The paving of the road from Rachel to the Nevada Test Site is, in my opinion, a legitimate request. Lincoln County, from which the 89,600 acres is being withdrawn, is an economically depressed area, and a paved road would provide a needed economic stimulus.

"The request for land for a veterans' cemetery is also legitimate. Although the Bureau of Land Management suggested that land for the cemetery has been deemed inappropriate, other Department of Defense land should be used. Precedent exists for such transfers. Recently,

property in Helena, Montana, owned by the Department of the Army, was transferred to the state of Montana by the Army to be used as a state veterans' cemetery. This action was unauthorized by the 99th Congress only a couple of months ago.

"The mitigation with the Sheahan Family has been less than forthright. The Sheahans have owned their mining property for over a hundred years. The family, which I have known for more than 20 years, has advised me that the Air Force keeps dragging its feet and changing the ground rules. The Sheahans and their attorney will speak for themselves tonight.

"Before I conclude, I would like to emphasize that when we speak of National Defense and National Security, the Sheahans and other Nevadans who are affected by this withdrawal represent exactly what our military forces are supposed to be protecting.

"What we, as Americans, are defending and attempting to keep secure is a WAY OF LIFE: owning your own property, using it when you want and for what you want, selling it if you choose . . . or doing nothing with it! These are all part of what Americans work for and fight for. They are entitled to a fair price for their property. This is an issue that should have been resolved long ago.

"Basically, if anyone is to be denied meaningful use of their property by the Air Force, the Air Force should be obligated to provide FAIR AND EXPEDITIOUS compensation.

"That's why these hearings are being held and we, all of us,

should settle for nothing less."

COLONEL LACY: Thank you very much, Mr. Wilson, and please thank Congressman Reid for us.

Next we have Mr. Mark Smith, who is the Executive Vice President of the Las Vegas Chamber of Commerce. Mr. Smith.

MR. SMITH: Thank you, Colonel. I will be brief. Nellis Air Force Base has been a valued and responsible citizen of southern Nevada for nearly four and a half decades, since its inception in 1941, and is the home of the Las Vegas Army Air Corps Flexible Gunnery School.

Nellis was located in southern Nevada for many reasons, but the most important was the potential of the Bombing and Gunnery Range, which has only become more valuable to the nation's defense over a span of time.

During World War II, B-17 and B-29 crews were trained there. With the advent of the Korean War, training of jet fighter pilots began. Today, the Air Force Graduate-Level Fighter Weapons School, Red Flag Simulated Combat Exercises, and the Aggressor Squadrons, the American Tactical Air Force based in U.S. and overseas along with many other allied nations train at Nellis to maintain the readiness of a more peaceful world.

We Nevadans are proud of Nellis' contribution to the Defense Department, and we're proud of the long and friendly relationship that exists between the communities in southern Nevada and the Base. Nellis is a good neighbor, and in fact, through its unique vital

defense mission, is the single largest employer in our region.

But Nellis depends a great deal on the American public to support their operations. The Nellis Range Complex is critical to the basic mission's success, and public support is necessary to continue to keep the rangeland withdrawn from public domain set aside for their use.

Therefore, the Board of Directors of the Greater Las Vegas Chamber of Commerce, representing its 2,300 members, resolved our public support for the Air Force Renewed Withdrawal of the Groom Mountain Range for national security purposes. Furthermore, we feel that the Air Force and the Bureau of Land Management have made conscientious and good-faith efforts to mitigate the impacts of the withdrawal on behalf of the citizens of southern Nevada.

Furthermore, we urge the Secretaries of Air Force and Interior to support the recommendation -- recommended mitigations contained in the Draft Environmental Impact Statement for the Groom Mountain Range to minimize the withdrawal's impact on southern Nevada. Thank you, Colonel.

COLONEL LACY: Thank you very much, Mr. Smith. Next we have Mr. Walter Barbuck of Palos Verdes Avenue in Las Vegas, Nevada.

MR. BARBUCK: Something like that, Colonel.

COLONEL LACY: Did I get that right?

MR. BARBUCK: About right. My name is Walter Barbuck. I live on Palos Verdes Street in Las Vegas, Nevada. First, an overview of the

problem: In 1984, the Air Force seized 89,000 acres of public land -- well, the vast majority is public land; it was managed by the BLM. And this was legitimatized, so to speak, by House of Representatives Bill Number 4932, and Senate Bill Number 2657, dated February '84 and March of '84, respectively.

The Air Force uses Public Law 98-485, dated the 17th of October '84 as its authority to seize these -- illegally seize these Groom Range lands, these lands located adjacent to Area 51 of the Nevada Test Site in Lincoln County.

An illegal seizure: one would think of mitigation. I couldn't
think of a better form of mitigation than using the Santini-Burton
126 (75) bill. The Santini-Burton bill is a two-step land exchange. As applies
to the Groom Range, the Air Force might consider buying the Groom
Range and place the money in an escrow account. From that escrow
account the appropriate government agencies could buy critical lands
in Nevada, critical to the environment.

A good purchase might be the Summa Corporation lands near the Red Rock Recreation Area. This is covered in Mitigation Number 11 of the DEIS put out by the Air Force, of which we are meeting here tonight.

The Air Force does not recommend it because of withdrawals; they do not recommend it because of estimated recreation loss through the withdrawal. Again, I must quote the Santini-Burton bill, because the Air Force doesn't mention this in the Mitigation Number 11 of

the EIS.

COLONEL LACY: Excuse me, Mr. Barbuck, you've exceeded your three minutes, but we'll give you 30 seconds to conclude or to sum up.

MR. BARBUCK: Fine. This was going to be my next sentence, anyway: I am not against the national defense. I ask our military to play by the rules. We of the United States are mostly law-abiding citizens; we'd like the U.S. military to treat us like law-abiding citizens. We are not your enemies, please don't treat us like one. Thank you.

COLONEL LACY: Thank you very much. Next we have Mr. Louis Benezet.

MR. BENEZET: My name is Louis Benezet. I'm from Lincoln County, Nevada. I live in Pioche, or near Pioche, at the Prince Mine. I had an opportunity to speak before these hearings while the first hearing was up in Caliente. I don't want to repeat myself, but I feel there are a few other points that I might be able to make a part of the record at this time.

The National Environmental Protection Act requires, among other things, a clear explanation of the purpose of a proposed action, and it's my strong feeling that this DEIS does not provide that. 127 (76) It's very vague as far as exactly what's going to be done in there. There's no information regarding what will happen when the military no longer needs the area, what the decommissioning will be.

128 (77) In addition, there is a suggestion that there may be changes in the way the area is used during the time that the military is in there, and it's not really clear to me, anyway, what the public recourse

128 (77) would be, what information would be available for the public to assess environmental impacts as they might occur.

There's not anywhere near any adequate information regarding the need for this proposed program. I think that if I were a typical congressman, without some special top-secret briefing, I'd say, I don't see any reason why you need it; I don't see why a remote mountain range in central Nevada is a risk to the national security.

Concerning the affected environment that is being discussed in this thing, I think that the exact -- the areas of importance are minimized as much as possible, and I think that it gives a rather -- you don't get a very good picture of the area. I think you need more information comparing these resources to other resources that occur in a desert area.

You have a mountain range that's 9,000 feet tall or taller, that is forested, that has water, is a beautiful camping area, is a good place for livestock and recreation; it has a lot of interesting features which are not to be found in most of Lincoln County. I think there should be more comparative information as to the value of this resource.

129 (78) To get back to the point I made earlier: If there are serious impacts on the environment resulting from a no-action alternative, in other words, if the public safety and the national security would be jeopardized, why did the Air Force not tell us so in 1981 when they withdrew the Nevada Test Site? They did not at that time indi-

cate that there were any activities going on in the Test Site that caused an impact to the national security and the public safety which would result from trying to keep people out of the Groom Mountain Range, which they were already doing at that time. So, I think that's another reason why we would question the information that's presented here.

COLONEL LACY: Excuse me, your three minutes is up, but I'll give you approximately 30 seconds to conclude.

130 (79) MR. BENEZET: All right. Given the remoteness of the area, and also some of the information included in this DEIS, I wonder if it isn't possible that this area might be a potential wilderness area if it weren't for the Air Force's presence next door; and given the remoteness of the area, if access were available to people on foot, I doubt if anybody would be toting in surveillance equipment to the top of a 9,000-foot mountain and causing any serious threat to the national security. So, that's a possible alternative action which is not included.

COLONEL LACY: Thank you very much, Mr. Benezet. I've concluded that the real reason you followed us here from Caliente was to get warm. It was cold out there.

MR. BENEZET: It's been surprisingly cold in Las Vegas, I think.

COLONEL LACY: Next we have Cheri Cinkoske.

MS. CINKOSKE: Very good.

COLONEL LACY: Thank you.

MS. CINKOSKE: My name is Cheri Cinkoske, C-I-N-K-O-S-K-E. I live in North Las Vegas. There were a number of small things that struck me as rather strange in the EIS; initially starting off on page 1-1, where it says, "89,600 acres, more or less." I thought you could be a little bit more specific.

131 ㉔ On page 3-27 is a statement that the State Historical Preservation Office will be consulted. Why haven't they been yet?

On 4 point 6, there's a conclusion that the mineral properties are owned by families who may not have the financial reserves required to further explore, and therefore, that such exploration is dependent on something else. That doesn't follow logically, to my mind.

As Congressman Reid stated, I feel that the mitigation measures that were detailed in here are being treated as a wish list. I don't think they are being taken seriously.

The explanations as to what's recommended or not recommended 132 ㊻ are incomplete and unclear. There's one recommendation in 4-14. It stated simply: "For potential Mitigation Number 6, this mitigation measure is not recommended for implementation." In the summary chart it says it's cost-prohibitive. However, Colonel Crook said the reason is that it's not mitigating a direct impact. Well, you know, I'd like an EIS to tell me what you really are feeling is the reason that it's not recommended so that that can be evaluated.

I think that's an example where you're not dealing with our real problem. You're saying that things are not relevant, they are

not directly impacted. We feel they are. Our concern is the continued withdrawal of land from public access, an action that was taken illegally by the Air Force, and that's why this EIS was mandated and was mandated to consider mitigation impacts.

The VA cemetery --

COLONEL LACY: Excuse me, your three minutes are up. I'll give you 30 seconds to conclude.

MS. CINKOSKE: All right. The VA cemetery is a matter where land could be utilized for the public. The Red Rock Recreation lands purchase can be considered. This, the future growth of Clark County, these things were just totally disregarded in the EIS. The only thing that is really recommended is an $88,000 purchase, which means you're paying a dollar an acre for the land. I wish I could buy it so cheap. I think that you need to detail much more than you have.

COLONEL LACY: Thank you very much. Next, Mr. Richard Cowan.

MR. COWAN: Colonel Lacy, I am Richard A. Cowan, C-O-W-A-N. I live at 4854 Tiffany Way, Sacramento, California. I am the locator and owner of the Boondock Mining Claim located in the Groom Mountain Range, and mentioned in the Air Force Draft Environmental Impact Statement of October 1985. The specific reference is located on page 3-33 and -34 thereof.

133 ㊴ I request that your Figure 3.7, on page 3-32, be amended to show the location of the Boondock Lode Claim. The tie of record to the discovery of this claim is to the location monument of the Groom

Mine Patents, and the claim can be plotted from the tie as described in the location notice as recorded in the Lincoln County Recorder's Office, and further as filed with the Bureau of Land Management.

I support your statement on page 4-1, (1) which states that access to current valid claims would be guaranteed.

I request that access to the Boondock be provided me during the withdrawal period. I have sold an interest in the Boondock Mining Claim to a group of investors. This sale was consumated prior to the withdrawal and was the financial backing and manpower that located the Grey Eagle claims surrounding the Boondock in December and January of 1984 and 1985.

134 ㊵ I request access be provided to all owners of the Boondock claims. Access to the claims is my main concern, and I fully expect the Air Force to provide me the same access that was afforded prior to the withdrawal.

I wish to further extract ore from the claim and to determine the extent and depth of the ore body.

135 ㊶ You use a word in the EIS -- the wording in the EIS, to the effect that current owners will be afforded access. In the event of my demise or absence, is it the Air Force's intention to use this wording to prevent access to my wife, co-owners, and employees? I would like this to be clarified. I intend -- I see my time is running out --

COLONEL LACY: Excuse me, sir, you have 30 seconds.

MR. COWAN: -- and I further intend to further state the same questions in greater detail in writing.

COLONEL LACY: Thank you very much, Mr. Cowan. Next, I'd like to call on Mr. Ralph Denton.

MR. DENTON: Colonel Lacy, other distinguished members of the military, representatives of our congressional delegation, ladies and gentlemen, interested Nevadans: my name is Ralph Denton. I'm a member of the bar, and practice here in Las Vegas; and I have the distinct pleasure and privilege of representing the Sheahan family, majority holders of the mines down in Groom.

I'm here this evening to talk about just one section of the statement, and that is, mitigation. Now, in order to talk about mitigation, I have to give you a little bit of history.

Historically, these mining claims have been owned for many years by the Sheahan family who have a majority interest therein, and others who have a minority interest.

For several years last passed, the Air Force, without any legal authority whatsoever, has restricted the access of the Sheahans to their mining claims. The Sheahans, however, as patriotic American citizens, had acquiesced in such restrictions, and had agreed to notify the Air Force when they were going to their claims, and would only go to the claims if the Air Force gave them permission. Very seldom, if ever, did the Air Force deny that permission.

There came a time, however, when the Air Force, again without

the force of law, installed guard gates on the roads. These guard stations were maintained by civilian employees who packed guns, and on occasion, by military personnel with M-16 rifles.

Nevertheless, the Sheahans went along with this. There were a few rough spots through the years, but by and large, they went along. If they wanted to go to their mine, they called the Air Force, and the Air Force would say, okay. On a couple of occasions, the Air Force wasn't so happy, and they had words. But all of this continued prior to the introduction of HR 4932, the Withdrawal Act.

The Sheahans, as many people in the state of Nevada, were undecided as to whether or not they should oppose this legislation, and if they decided to oppose the same legislation, whether or not they should testify before the House Interior Committee that was studying the bill.

Now, I have represented the Sheahans for some time concerning this matter, and they consulted with me on this particular respect, on this regard: On July 13, 1984, I met with Colonel Bob Smith of the Air Force, who holds the position of Liaison Officer to the Department of Energy, and also with a Mr. Paul Hirsh, from the Department -- or from the Air Force. The meeting, of course, was to discuss the Groom Mine.

During the course of this meeting, Colonel Smith asked me if the Sheahans wanted the government to buy the mine. I replied in the negative.

Colonel Smith then asked what the Sheahans wanted. And I replied, either condemnation, or some sort of arrangement they could live with, and stated that they wished unrestricted access to the mine.

Colonel Smith replied, of course, that that was impossible, and stated that in other cases, they had entered into a lease agreement with property owners. After some discussion -- after some discussion it was suggested that the Sheahans enter into a five-year lease with the Air Force, to have an option to extend such lease for an additional five years.

COLONEL LACY: Thirty seconds, please.

MR. DENTON: Well, I can't finish in 30 seconds, Colonel, so, what I will do is file a written statement containing the correspondence with the Air Force, and I regret that the people in the audience will not have an opportunity to hear what has transpired between the Air Force and the Sheahans since that meeting. And who do I file the statement with?

COLONEL LACY: That address will be shown, as I indicated earlier, on a slide at the conclusion of the meeting. Everyone here who wants a copy of the final document may certainly have an opportunity to read your comments in that final document.

MR. DENTON: Do I give this to the court reporter?

COLONEL LACY: If you want to file it now, I'll be glad to take it from you.

MR. DENTON: Yes, I'd like to do that. That was the question.

COLONEL LACY: Thank you very much.

MR. DENTON: Thank you.

COLONEL LACY: Mr. Zolan Tanner.

MR. TANNER: My name is Zolan Tanner. I'm Vice President of the Nevada Trappers' Association. We feel this Groom Range deal is one of the biggest rip-offs ever instigated against the people of the state of Nevada. It will keep going on, there's no stopping. It was entered into illegally to begin with. We are definitely against it.

I was up at Hiko for three months last year, and the Air Force planes going up Irish Mountain were about 50 to 100 a day. Normally, you could count deer all over the place. In three months I did not see one single deer. The planes from Nellis Air Force Base fly up and down that waterfall management area, and when they call Nellis about it, all you get is: we'll see what we can do about it. Nothing is ever done.

They don't control the planes now. We can't have access to any of the land there. All we're doing is being taken for a sleigh ride. Thank you.

COLONEL LACY: Thank you very much, Mr. Tanner. I'm sorry if I don't get this name correct. Miss Judy Treichel.

MS. TREICHEL: Yes. My name is Judy Treichel, T-R-E-I-C-H-E-L, and I'm here for Citizen Alert of Nevada.

Because of the existing wildlife and its supporting habitat

136 ⑨ present in the Withdrawal Area, Citizen Alert feels that one or two people from the Department of Wildlife should be allowed into the area annually. They need to count and monitor the wildlife known to be there, and the environment needs to be checked periodically to be sure that damage is not occurring.

137 ⑮ You have agreed to put in one guzzler for every running stream in the Withdrawal Area. A stream offers wildlife much more benefit in vegetation and natural cover than does a guzzler. There was some willingness expressed to improve the Wayne Kirch Wildlife Area. There
138 ⑯ is a farm on the west quarter of that area, and it could be purchased -- it's for sale now -- it could be purchased so that the Kirch area can be made larger.

Citizen Alert is concerned because the EIS doesn't appear to show compliance with the Udahl supplement to HR 4932. That calls for the bill to be "subject to valid, existing rights." I had some questions about this. Were you going to answer questions tonight, or were those --

COLONEL LACY: I'll answer no questions, but I will have your questions answered, and we'll have a separate question period.

MS. TREICHEL: All right, that's after this?

COLONEL LACY: Yes, it is.

MS. TREICHEL: All right, thank you.

COLONEL LACY: Thank you very much. Next, Mr. Jeff Van Ee.

MR. VAN EE: "Today I am here to express --" I'm sorry, I'm Jeff

Van Ee, and I'm the Vice Chairman of the Sierra Club in Nevada -- "Today I am here to express my strong opposition to the manner which public land in Nevada is being appropriated by the federal government for defense-related activities. I'm alarmed because Nevada land is being taken without proper public review, without analysis of the impact upon the community and state, and without any, I repeat, any type of compensation for the Nevadans whose lives and livelihoods are being severely disrupted."

Those are the words of Governor Bryan at a hearing in Washington on this withdrawal, August 6, 1984.

Our Governor went on to say that, "We do know that this area will never again be accessible to the public, and that another major chunk of Nevada land is lost."

I think that represents one of the major issues that the Sierra Club sees in this illegal withdrawal of public land. We are talking about future impacts, not only the present impacts on the environment.

As the Governor pointed out in his testimony on August 6, 1984, Nevada is a very rapidly growing community. Southern Nevada is a rapidly growing state, and southern Nevada is a rapidly growing community. No doubt, some time in the future, the importance of the Groom Range will loom larger for all of us than what it appears to be today.

Nevada sportsmen and outdoor enthusiasts have already sacrificed the opportunity to enjoy the wildlife-based recreation on nearly

3 million acres encompassed by the existing Nellis Range.

During those hearings in Washington, a number of points were raised. The Chairman of the Public Lands Subcommittee asked why it was necessary to withdraw 89,600 acres, when, presumably, Soviet satellites can view the area from above. And I think many Nevadans today are asking themselves the same question. The Sierra Club is concerned that only $88,000 are being proposed for mitigation of an 89,000-acre withdrawal. We're also concerned that the Department of Wildlife representatives are not going to be allowed into this area to monitor wildlife habitat, but apparently, the BLM will be able to come into this area; and I think that's an insult to the state of Nevada, and particularly, the fine people that are part of the Nevada Department of Wildlife.

And then there's some discussion of the compensation for mining. I question whether fair market value will be arrived at for those mining claims, when, again, only $88,000 is being earmarked for compensation of 89,000 acres.

COLONEL LACY: Thirty seconds, please.

MR. VAN EE: Then there's the discussion of guzzlers as a possible mitigation measure. It was okay for chukar, but apparently not for bighorn sheep, and I don't understand why chukars are being singled out here. The Sierra Club will be submitting additional written comments for your consideration.

COLONEL LACY: Thank you very much, Mr. Van Ee. And the final person

who has indicated an intention to speak is Mr. Mark Vogel.

MR. VOGEL: My name is Mark Vogel, Post Office Box 1977. I speak as a private citizen and as a Christian, not as a member of any organization.

I'd like to preface my remarks by saying a few things favorable about the military. The military is a place where you can learn duty, honor, discipline, you can learn patriotism, you can learn a trade, and you can learn many successful walks of life. However, I think this activity that's being proposed is an absolute abomination.
139 ㊾ I don't think the state of Nevada needs it, and I particularly would like the final EIS to address some comments in the Purpose and Needs section.

As the gentleman over here indicated, I think the Purpose and Needs section is totally inadequate.
140 ㊲ I would like the Purpose and Needs section to address whether or not the current Administration or some future Administration may dissolve the Nevada Test Site, and what bearing that may have on this activity.

141 ㊲ I'd like the final EIS to address the question of the relevancy of Star Wars on this particular activity. If Star Wars is successful as defined by the Administration, it would mean that the Nevada Test Site and most military bases in the country are no longer needed. If Star Wars is not a successful option, I think the draft, or the final EIS should numerically define the total quantity of missiles the United States has on land, sea, and -- what's the other part of

the Triad, land, sea, and air.

In other words, the purpose of this action is allegedly for national defense. I think any alert, educated citizen knows the approximate quantity of missiles the United States has, and therefore, this activity being considered is totally and absolutely irrelevant and unnecessary. Thank you for participating in this democratic process.

COLONEL LACY: Thank you, Mr. Vogel. Before we move into the question period, I'd like to note that we were given another written statement to be attached to the record from Ms. Becky Parr of Las Vegas, and that will be a part of the record.

At this time -- and I assume this microphone is open -- I would like to call on anyone who has questions for any of the agency representatives, or again, for that matter, for any of the speakers to please so indicate by raising their hand. I'll recognize the first ones I see, and you may approach the microphone and ask your questions; and we will then delegate those questions to the person who is familiar with your area of concern. Questions?

MS. AVIS SHEAHAN: I have a question.

COLONEL LACY: Yes, ma'am. Would you please come to the microphone and please state your name and address.

MS. AVIS SHEAHAN: My name is Avis Sheahan, and I am from the Groom Mine; and it's my understanding we are not a part of the withdrawal. We own our land, we are not a part of BLM. I don't understand how

or why we have to discuss access with you at all under those circumstances. It's ours, and we have a right to go there, and --

COLONEL LACY: Ma'am --

MS. AVIS SHEAHAN: -- how can you control us?

COLONEL LACY: -- do you have a question?

MS. AVIS SHEAHAN: Yes, how can you control our access unless you own the land? And if you're not withdrawing our property, how can you control our access?

COLONEL LACY: Can a representative of BLM answer that question?

MS. AVIS SHEAHAN: Without a gun.

COLONEL LACY: Dr. Cochran or -- or Colonel Smith?

COLONEL SMITH: I'll take the question. Colonel Bob Smith. I think the problem is more in the purview of the Air Force than the BLM. In fact, I think they would agree with that.

The access that is being controlled is controlled by the legal authority that was presented under the law adopted, in which the comments that the United States stated, that access would be controlled by the Secretary of the Air Force.

MS. AVIS SHEAHAN: On the BLM land, yes, but our land is not BLM land.

COLONEL SMITH: Well, ma'am, you're correct. But access to land is by the --

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(80)

MS. AVIS SHEAHAN: But why are you discussing access to our land in your Environmental Statement regarding BLM land? That's my question.

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(80)

Why do we even have to discuss it with you, legally?

COLONEL SMITH: I would have to defer to the final EIS, and we'll address that in that document.

COLONEL LACY: Additional questions?

MR. VAN EE: My name is Jeff Van Ee, and I have an additional comment and question.

COLONEL LACY: Question only.

MR. VAN EE: All right. The Governor of Nevada during the August 6, 1984, stated that the federal government should return to the state an acre of land of comparable value for every acre proposed for any type of permanent withdrawal or that some other method of compensation be mutually agreed upon. That was not entered into the scoping hearing as part of the CIS process; and my question is, whether the Air Force feels bound to answer the comments that the Governor of Nevada made before the Congress on that August 6, 1984, hearing concerning the need for an Environmental Impact Statement covering this illegal action?

COLONEL LACY: That's a question that's not appropriate for the personnel in this room. You heard Colonel Crook say that state officials have not yet been briefed because of an unfortunate snowstorm in Reno last week when that was scheduled, and the Governor's staff and state officials are going to be briefed on this much as you have been tonight; and again, they have until the close of the public comment period to submit their response to the draft EIS, and may be

guided according to their own likes in so submitting one.

MR. VAN EE: That really wasn't my question. My question was whether the comments made before Congress would be addressed in the EIS process.

COLONEL LACY: I'm not certain we can answer that question.

MR. VAN EE: All right, thank you.

COLONEL LACY: Do you understand what I'm saying?

MR. VAN EE: No. (Laughter)

COLONEL LACY: Well, perhaps I can enlighten you. Everyone has an opportunity to address issues as a result of this process, but they must address it as part of the public process. I'm not sure that the Air Force or any Federal agency has a duty to glean everything that's said in front of Congress that might impact in some way, philosophically or otherwise, on something that it proposes to do.

So, I simply do not know if the Governor's comments before Congress were brought to the attention of the persons who drafted the EIS, or will be brought to the attention of those who will draft the final ones. It is encumbent upon the state of Nevada to speak up and be heard, if it wishes to do so, in this public process; so, I'm --

MR. VAN EE: Well, it's my understanding that the laws are passed which require these processes that we're undergoing tonight, and that as part of these laws there's a hearing record that's built up or a legislative record that's built up, and I would assume that the Air Force would have gone back to see what the foundation was for

the law that was passed requiring this process tonight; and then, by doing that, they would pick up the comments that were made in Washington related to --

COLONEL LACY: I understand what you're assuming, but despite our assumptions, we can't answer the question.

MR. VAN EE: All right. Thank you.

COLONEL LACY: Yes, would you please come down.

MS. LINDA CROOK: My name is Linda Crook, and I'd like to address a question to Colonel Crook, the Commander of the Range Group.

143 (81) Is this land so important that you can't find another space in Nevada because the population is so little?

COLONEL CROOK: The question will be addressed in the final EIS.

MS. LINDA CROOK: I also have another question: is this voted on or is it just done?

COLONEL LACY: My understanding of the process -- and I may not have a good command of it -- is that this, all public comment that flows from these meetings and from what is submitted, will be studied by officials of the Air Force and Department of Interior which supervises the Bureau of Land Management.

They, then, will do a final draft Environmental Impact Statement which they will forward to those two departments, Interior and Air Force, and a decision will be made at those levels, executive cabinet levels, with respect to what is finally proposed.

Then it becomes up to Congress to actually make that decision;

legislation is required to implement this proposal; and if anyone over here disagrees with that brief synopsis, please speak up. I think that's essentially correct.

MS. LINDA CROOK: Thank you.

COLONEL LACY: So, no decisions are being made tonight. We're not going to vote on it, but someone else will. Yes, sir.

COLONEL CROOK: I'd like to add one more comment: that you can read my notes tonight when I get home. (Laughter)

COLONEL LACY: Yes, sir, Mr. Tanner.

MR. TANNER: I have one more question, and I think this will be directed to the wildlife specialist. What good does it do to enhance the habitat if you can't get to it? And how can you say that these tests have no affect on the wildlife? That's what I'd like to know. It's like handing you a sandwich and saying: here it is, but don't eat it.

COLONEL LACY: Dr. Pontrelli, can you answer that?

DR. PONTRELLI: Mike Pontrelli, Desert Research Institute. I don't think there was any proposal to enhance the habitat on the Groom Range. The suggested mitigation for enhancing the habitat was on areas that were accessible to the public, if they had been recommended. The -- I forget the second part of your question.

MR. TANNER: You say the testing has no impact on the animals in there. I disagree very wholeheartedly.

DR. PONTRELLI: You talked about general impacts, I believe, and it

did mention some specific impacts in terms of a change in the sex ratio in each classification of the deer, and we do expect that to happen. It has happened on the Test Site, the Nevada Test Site, and we expect it to happen there also. However, in terms of general impacts on most of the animals, we expect that not to happen because of very little change except access by hunters.

MR. TANNER: Thank you.

COLONEL LACY: Thank you, Dr. Pontrelli. Yes, sir.

MR. BENEZET: Louis Benezet. My question is regards how many people were allowed access into the Groom Mountain area as part of the study.

COLONEL LACY: Can you answer that, Dr. Cochran?

DR. COCHRAN: During the course of field investigations that supported the EIS, I belive there were approximately 20 individuals plus -- I don't have a count right in front of me -- involved in field activities.

MR. BENEZET: These were the scientists among whom the people's names were listed in the back of the EIS?

DR. COCHRAN: Yes.

MR. BENEZET: All right. I wonder if, considering for the purpose of this program, a number of people had to be given access to that area, and it would have probably involved some sort of security

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clearance, judging by the proposed action. I'm wondering if it would be possible to give further consideration to a limited alternative of allowing, maybe, 10 to 30 deer hunters a year access to the area,

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seeing as that's the figure you've used that you base the deer hunting on.

COLONEL LACY: I belive the answer to that will be addressed in the final EIS. Yes, ma'am. You don't have to come to the microphone.

MS. SHEAHAN: I have a real loud voice.

COLONEL LACY: I didn't say that.

MS. SHEAHAN: I'd like to know how the military can hide behind the guise of national security when you have broken all of the rules that's supposed to ensure this country's freedom, denying our access, holding us at gunpoint when you feel necessary, not telling people you're withdrawing it for our own good. I mean, is it because we're too stupid, or what? I would really like to know.

COLONEL LACY: That's a rhetorical question that I'm afraid can't be addressed here, or in the draft, or in the final EIS.

MS. SHEAHAN: Why? You can't tell me why you've broken all the rules? And you say it's national security.

COLONEL LACY: We're not going to engage in a debate over rule-breaking. That is a rhetorical question, it's not a question seeking legitimate information, so, it won't be answered.

MS. SHEAHAN: All right.

COLONEL LACY: Yes, ma'am.

MS. TREICHEL: Can I ask the question from up here, or would you prefer I come down to the microphone?

COLONEL LACY: Yes, would you please stand up so everyone can hear

you, and state your name.

MS. TREICHEL: My name is Judy Treichel. There is a mining operation and existing ranch in the withdrawal area. Will there be unlimited access? Or if that access is limited, how will they gain access?

COLONEL LACY: Who can address that? Colonel Smith?

COLONEL SMITH: Access is gained -- Colonel Bob Smith -- access is gained through a scheduling process with the Air Force, it's scheduling to the point of notifying them when you want to arrive, when the two individuals want to arrive, and set up a time to do that.

MS. TREICHEL: You said two individuals. Then people can only come one or two people at a time?

COLONEL SMITH: The two individuals I'm referring to are the Medlins, the people you mentioned, the people living out there.

MS. TREICHEL: Yes.

COLONEL SMITH: They have access. The Sheahan family has access. Both of these particular families have access guaranteed to them through a letter by the Undersecretary of the Air Force.

MS. TREICHEL: All right. Is the Udahl Supplement to this HR 4932 being honored: do you know?

COLONEL LACY: I don't even know what that is. What is it?

MS. TREICHEL: Well, it's a supplement offered by Morris Udahl, authored to this bill, I understand, and I'm not sure what it is, but on behalf of Citizen Alert, I was asked to ask about it.

COLONEL LACY: Are any of the group who've worked this familiar with

the Udahl amendment?

MR. WILSON: Don Wilson with Congressman Harry Reid's office. 4932 was legislation introduced in the 98th Congress which was the Omnibus Withdrawal, there were several withdrawals in there which included the Air Force, Nellis Air Force Range withdrawals. At that time it included the Groom Mountain in there.

And I can't speak to -- but 4932 did not become a law relative to the Nellis Air Force Base. It was at that time that they pulled Groom Mountain out of that, out of that withdrawal; had their hearings; the continuing resolution of October 17 gave the military -- which was a vote, by the way, of Congress, both the Senate and the House approved the continuing resolution -- and it's public law, so the withdrawal is legal now, just to clarify that part of it.

And they were given two years to clear up -- I mean, to have the draft EIS on Groom, and I think we have to have it done by the end of '86 so that it goes into effect on January 1 of '87. The new law -- I mean, a new bill was introduced last spring by Representative Byron of Maryland, I believe she is, and it's HR 17 -- I want to say 1796, don't quote me on that, but Jeff or Miss Treichel, call the office, I'll get it for you -- held hearings last week on the Nellis Air Force Range, the 2.9 million acres that it encompasses along with Bravo 20 and four other facilities in the country, and that is under the hearing process now.

Public hearings, let's see, it was public -- it was Seiberling's

subcommittee on public lands. But there's dual assignments on that. It's not only public lands, but it's also the Senate Armed Services Committee, and the hearings on that have not been held; but it's my understanding that they expedited it because of the problems around Bravo 20, which is affiliated with the Fallon Naval Air Station Withdrawal Program.

So, 4932 was a bill in the 98th Congress which did not become law. And I think it was reintroduced, which it probably was, under HR, I think it's 1792, but I'll confirm that for you.

MS. TREICHEL: All right. Also, will the grazing rights be affected, do you know?

COLONEL LACY: Is the answer, no? You don't have to run up to the mike all the time.

DR. COCHRAN: No.

MS. TREICHEL: And could miners be hired to work in the area?

COLONEL LACY: Miners with an O or an E, people who dig, or children?

MS. TREICHEL: Well, people who dig.

COLONEL LACY: And could they be hired by whom?

MS. TREICHEL: To work in the mining areas.

COLONEL LACY: By the owner of the mine?

MS. TREICHEL: Yes.

COLONEL LACY: Colonel Smith?

COLONEL SMITH: People that will be allowed into the area are the same as the mining level of effort at the time of the withdrawal,

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the same as is stated in the EIS. I don't believe that there are any miners that have been hired that are working there at this time, so, the answer would have to be, no.

MS. TREICHEL: All right. Do you know if there have been objections to this from Bob Warren, the Executive Secretary of the Nevada Mining Association? Has the Mining Association offered objections to the Groom Mountain withdrawal?

COLONEL LACY: Dr. Cochran, do you know if they have?

DR. COCHRAN: Mr. Warren, I believe, attended the first briefing held in Carson City, for the Nevada Public Lands by -- I always get that name botched -- Nevada Public Lands Advisory Committee, and Mr. Warren made some comments at that time, and we took those into consideration.

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MS. TREICHEL: All right. And also, do you have any specific plans to increase or improve the Wayne Kirch Wildlife Management Area?

COLONEL LACY: I'm sorry, the what wildlife area?

MS. TREICHEL: The Wayne Kirch Wildlife Area that's up north of Sunnyside.

COLONEL LACY: Mr. Tilzey or Mr. Maxwell, is that within your bailiwick? No, we have Dr. Pontrelli. Don't fight over it, gentlemen.

MR. TILZEY: As far as I know, that was not suggested until this public hearing, that anything be done at that area; just the other two in Lincoln County had been suggested earlier.

COLONEL LACY: That was not earlier raised during the scoping process;

is that correct?

MR. TILZEY: That is correct.

MS. TREICHEL: Thank you very much.

MR. VAN EE: I have one final question. The decision to control access was made at the local level after consultation with the local Bureau of Land Management officials; and after Headquarters, Air Force, conferred with the Air Force secretariat, after the controls were implemented, briefings were conducted for the appropriate personnel within the offices of the Secretary of the Air Force and the Secretary of Defense. Additional members of the National Security Council were also briefed on the decision to acquire the 89,600 acres.

My question is, whether these actions had any influence on the analysis or alternatives that were performed in the EIS, or whether the 89,600 acres, which was the final recommendation, was arrived at after a thorough analysis by objective officials on the alternatives. I'm not sure that my question was clear, so I will restate it if necessary.

COLONEL LACY: Dr. Cochran, can you answer that?

DR. COCHRAN: I believe you're referring to the reduced Land Withdrawal alternative.

MR. VAN EE: What I'm referring to is that the --

DR. COCHRAN: Was there an objective analysis of that?

MR. VAN EE: Yes.

DR. COCHRAN: That analysis, as stated in the draft Environmental

Impact Statement, was done by the Bureau of Land Management on the basis of criteria provided to them by the United States Air Force; and, to my knowledge, it was an objective analysis.

MR. VAN EE: So the fact that those people were involved in authorizing this seizure, in the first place, has no bearing on the alternative that is being recommended?

DR. COCHRAN: That is your statement?

MR. VAN EE: It's a question.

DR. COCHRAN: No. It sounded a little more like a statement. The people that I am aware of that worked on that are objective.

MR. VAN EE: All right. Thank you.

DR. COCHRAN: I don't question their professional credibility.

COLONEL LACY: Thank you. Yes.

MR. BENEZET: I apologize for not getting my questions out all at once. My question has to do with the non-use status of Naquinta Springs grazing allotment, which of the two allotments in the withdrawal area, is the only one that's entirely contained in that area. And I wondered if you could give me an explanation as to why this has been a non-use status, and whether or not this has partly been a result of the Air Forces presence all in the past.

COLONEL LACEY: Before you leave, you had two questions there. Restate your first question succinctly please.

MR. BENEZET: Why is the Naquinta Springs allotment in a non-use status, is the first question.

COLONEL LACY: Why is it?

MR. BENEZET: Yes.

COLONEL LACY: Can anyone address that, please?

MR. TILZEY: Yes, I can answer that. It was a water base allotment, and water was acquired to purchase when the Air Force purchased the grazing rights on the Nellis North Range, and so they acquired the grazing rights on that allotment, and those grazing rights were retired.

MR. BENEZET: But do I understand you to say that Nellis purchased grazing allotments on the Test Site, on the Nellis Air Force Range, and this resulted in the purchase of Springs in the Groom Mountains, and this resulted in the non-use of the grazing allotment of the Groom Mountain area?

MR. TILZEY: That is correct.

MR. BENEZET: All right. I won't make a statement. Thank you.

COLONEL LACY: Please. Thank you. Yes, ma'am.

MS. WILSON: I'm M. J. Wilson of Las Vegas. And Colonel Crook, you made a statement about: This wasn't going to be precedent, this was going to be a one time thing. And you also mentioned that it was temporary. Does that mean that Nellis doesn't mean on expanding anymore, and this land can be released in the future back in the public hands?

COLONEL LACY: Colonel Crook, can you address that?

COLONEL CROOK: The statement I made was: this will not act as a

precedent for any other withdrawals or any type, and that is an official statement. The second part of that question is: I am not empowered or know of any ways this will be turned back or not turned back at this time.

MS. WILSON: All right. But Nellis doesn't plan on expanding any direction -- is this a direction that you are choosing to go in the east, northeast --

COLONEL CROOK: At the present time, no, Nellis does not expect to expand in any direction concerning the Groom Mountain Range.

MS. WILSON: All right, thank you.

COLONEL LACY: Are there any further questions? Yes, ma'am.

MS. TREICHEL: One more. Do you know if the archaelogical study was done by a Dr. Lonnie Pippin of the Groom area was considered?

COLONEL LACY: Dr. Pippin, can you answer that.

DR. PIPPIN: Was considered for what?

MS. TREICHEL: In the EIS, and in this acquisition, was the study -- you're the man that did the study?

DR. PIPPIN: Yes.

MS. TREICHEL: Was that study taken into consideration at the time this land was to be withdrawn?

DR. PIPPIN: It was taken into consideration and summarized in the draft EIS.

MS. TREICHEL: All right. I didn't know where to find it in here.

DR. PIPPIN: It is first in Section 3 beginning on, I don't know,

3-26.

MS. TRICKEL: All right.

DR. PIPPIN: In Section 3-7, both regions are described there. They are mentioned again in the mitigation recommendations, Section 4.2.7, and again in 4.2.9 -- excuse me for fumbling through this, I don't have it memorized -- they are mentioned again in the mitigation for management plan, it's recommended in the management plan, and I can't find the section right now, I apologize. And it will also be reported by separate documents describing our methodology in all the cultural resources in there.

MS. TREICHEL: And that will be in the final?

DR. PIPPIN: That will be a separate document from the final, supporting the final.

MS. TREICHEL: Oh, all right.

COLONEL LACY: Are there any further questions? Apparently not --

MR. BENEZET: I do have one question, if I can make it from here.

COLONEL LACY: Certainly.

MR. BENEZET: Given as we are allowed time until 10 o'clock, I wondered if people who had to complete their statements wouldn't be allowed to do?

COLONEL LACY: Why are we allowed to 10 o'clock?

MR. BENEZET: That was the time that was set aside for the meeting, as I understand.

COLONEL LACY: No, I think not. The time was set aside so that many

people could make statements if they wished to do so. You certainly are well aware, having attended two meetings, of your opportunity to submit anything you wish in writing.

MR. BENEZET: I wouldn't ask for any more time than anyone else.

COLONEL LACY: I'm well aware of that. Does anyone not have Captain Zona's address who wants it for purposes of submitting written material before the December 30 close of public comment? I'd be glad to read it again. Does anyone desire that I do so?

A VOICE: Read it again, please.

COLONEL LACY: Yes. It is part of a handout as well as on the last page of it. I will remind you that anything postmarked by December 30 will be included in that, and anyone who has additional written statements may hand them to someone on the way out tonight.

Let me express my appreciation to you, once again, for participating in this public process, and for the interest you have shown in your community and its resources. This hearing is adjourned.

* * * * * *

PUBLIC HEARINGS: RENEWAL OF GROOM MOUNTAIN RANGE LAND WITHDRAWAL

TESTIMONY

SUBMITTED TO

THE UNITED STATES AIR FORCE

BY

HARRY REID
MEMBER OF CONGRESS

NOVEMBER 22, 1985

---

THANK YOU, COLONEL LACY. MY NAME IS DON WILSON. I AM A STAFF REPRESENTATIVE OF NEVADA CONGRESSMAN HARRY REID AND AM ATTENDING THIS AIR FORCE HEARING IN LAS VEGAS TO READ INTO THE OFFICIAL RECORD THE CONGRESSMAN'S TESTIMONY.

FOLLOWING IS THAT TESTIMONY.

I WANT TO THANK THE AIR FORCE FOR CONDUCTING THESE THREE HEARINGS IN CALIENTE, ALAMO AND LAS VEGAS. I AM PLEASED TO HAVE THIS OPPORTUNITY TO ADDRESS THE PROBLEMS AND CONCERNS OF NEVADANS ABOUT THE MITIGATION MEASURES RECOMMENDED BY THE AIR FORCE TO COMPENSATE NEVADANS FOR THE WITHDRAWAL OF 89,600 ACRES OF LAND... BETTER KNOWN AS THE GROOM MOUNTAIN RANGE.

FIRST, I WANT TO MAKE IT ABSOLUTELY CLEAR THAT A VAST MAJORITY OF ALL NEVADANS SUPPORT THE MILITARY AND ITS ATTEMPTS TO MEET THE NATION'S DEFENSE AND SECURITY REQUIREMENTS.

I AM AMONG THAT MAJORITY. IN FACT, EARLIER THIS MONTH, I TESTIFIED BEFORE A CONGRESSIONAL HEARING IN SUPPORT OF LEGISLATION THAT PROVIDES FOR THE CONTINUED WITHDRAWAL OF THE LANDS FOR THE NELLIS AIR FORCE BOMBING AND GUNNERY RANGE.

(MORE)

We Nevadans are proud of the relationship that exists between Nellis Air Force Base and the people of Nevada. The significant economic impact of Nellis is well known and understood. On the other hand, our state and community provide the Air Force with the environment it needs to meet its training missions. Nevada also provides Nellis Air Force Base with the social, educational, recreational, cultural and religious environments that base personnel and their families need in order to insure the quality of life they deserve as they serve our country. It's a relationship that has benefitted us all.

Yet, many Nevadans are concerned--and the numbers are growing--about what appears to be the excessive militarization of Nevada. We have the Gandy withdrawal on our eastern borders...the Navy withdrawal in Northern Nevada...and the Nellis Air Force Bombing and Gunnery Range...as well as the Groom Mountain Range addition. All of this totals more than three million acres. Then, of course, there is the restricted or withdrawn AIR space required by the supersonic operating areas and the military operating areas. This type of withdrawal comes to more than TEN MILLION air acres. And, of course, we shouldn't forget the restrictions imposed by the Nevada Test Site.

In spite of all this, I think the situation that concerns and upsets Nevadans most is the PROCESS by which these withdrawals have been made.

(MORE)

Groom Mountain is a perfect example. The Air Force restricted and stopped access for years without legal authority. Then, after outcries from citizens and Congressional hearings, the legal authority, though temporary, was made into law.

The Draft Environmental Impact Study being analyzed tonight does little to alleviate those concerns. I have received inquiries regarding its quality, and I'm sure that many of these issues will be raised again tonight.

I will leave the technical concerns to others...reserving the right to pursue them further in Congressional hearings, IF NECESSARY.

For background purposes, I would like to have it understood that I do not take this withdrawal lightly.

I have been to the Groom Mountain Mine site. I am fully aware of the problems that an unpaved Rachel road present for the people of Lincoln County. I have been to the test site itself and been briefed on the very reasons for which this withdrawal is being requested.

I have had staff at hearings in Caliente, Alamo and now Las Vegas.

The fact that I'm fully aware of this withdrawal is what makes the mitigating aspects of the D-E-I-S so disappointing. It appears to me that the 18 suggested mitigation measures were treated as a Christmas wish list and, for the most part, discarded as irrelevant or too expensive.

(MORE)

The paving of the road from Rachel to the Nevada Test Site is, in my opinion, a legitimate request. Lincoln County...from which the 89,600 acres is being withdrawn...is an economically depressed area, and a paved road would provide a needed economic stimulus.

The request for land for a veterans' cemetery is also legitimate. Although the Bureau of Land Management suggested that land for the cemetery has been deemed inappropriate...other Department of Defense land could be used. Precedent exists for such transfers. Recently, property in Helena, Montana, owned by the Department of the Army was transferred to the State of Montana by the Army to be used as a state veterans' cemetery. This action was authorized by the 99th Congress only two months ago.

The mitigation with the Sheahan Family has been less than forthright. The Sheahans have owned their mining property for one hundred years. The family, which I have known for more than 20 years, has advised me that the Air Force keeps dragging its feet and changing the ground rules. The Sheahans and their attorney will speak for themselves tonight.

Before I conclude, I would like to emphasize that when we speak of national defense and national security, the Sheahans and other Nevadans who are affected by this withdrawal represent exactly what our military forces are supposed to be protecting.

(MORE)

What we, as Americans, are defending and attempting to keep secure is a WAY OF LIFE: owning your own property...using it when you want and for what you want...selling it if you choose...or doing nothing with it! These are all part of what Americans work for and fight for. They are entitled to a fair price for their property. This is an issue that should have been resolved long ago.

Basically, if anyone is to be denied meaningful use of their property by the Air Force, the Air Force should be obligated to provide FAIR AND EXPEDITIOUS compensation.

That's why these hearings are being held and we--ALL of us--will settle for nothing less.

###

My name is RALPH L. DENTON. I am a member of the law firm of Denton & Denton, and practice law in Las Vegas, Nevada. I represent the Sheahan Family and others, who, together, constitute a substantial majority of the owners of those certain mining claims situate in the Groom Mountain Range and commonly referred to as the Groom Mine. The Groom Mine is situate in Lincoln County, Nevada and within the boundaries of the land withdrawal which forms the subject matter of this meeting.

Historically, these mining claims have been owned for many years by the Sheahan family, who have a majority interest therein, and others, who have a minority interest. For several years last past, the Air Force, without legal authority, has restricted the access of the Sheahans to their mining claims. The Sheahans, as patriotic Americans, had acquiesced in such restrictions, and had agreed to notify the Air Force when they were going to their claims, and would only go to such claims if permission was granted by the Air Force. Very seldom, if ever, did the Air Force deny that permission. There came a time, however, when the Air Force, again without the force of law, installed guard stations on the road to the mining claims and restricted access. The guard stations were manned by armed civilians and in some instances, with military personnel carrying M16 rifles. Nonetheless, the Sheahans continued to cooperate with the Air Force and by and large, only entered upon the property when the Air Force permitted such entry.

All of what I have just recounted occurred prior to the introduction of HR 4932, the Withdrawal Act. The Sheahans, as many people in the State of Nevada, were undecided as to whether or not they should oppose such legislation, and if they decided to oppose the same, whether or not they should testify before the House Interior Committee.

I had been representing the Sheahans for some time concerning this matter, and they consulted with me in this particular respect. In this regard, on July 13, 1984, I met with Colonel Bob Smith of the Air Force, who holds the position of liason officer to the Department of Energy, and also with a Mr. Paul Hirsh from the Department of ~~Energy~~, Air Force. The meeting, of course, was to discuss the Groom Mine.

During the course of the meeting, Colonel Smith asked me if the Sheahans wanted the Government to buy the mine. I replied in the negative. Colonel Smith then asked what the Sheahans wanted and I replied either condemnation or some sort of arrangement they could live with, and stated that they wished unrestricted access to the mine. Colonel Smith replied that that was impossible, and stated that in other cases, they had entered into a lease agreement with property owners.

After some discussion it was suggested that the Sheahans enter into a five year lease with the Air Force, with the Air Force to have an option to extend such lease for an additional five years, and the rental to be based upon the value of the land, just as though the Government was buying the land. In other words, the value of the mine would be ascertained by appraisal and then a fair rental would be based upon such appraisal. Mr. Hirsh suggested that a letter of intent could be drafted which would satisfy Mr. Sheahan as to the intention of the Government to enter into a lease prior to the hearing on HR 4932. He stated further that he had the authority of the Secretary, and the letter would be signed by Mr. Boatwright, Deputy Assistant Secretary of the Air Force. He further stated that the Secretary would obtain authority for the funding of the lease agreement.

As mentioned above, this meeting was on July 13, 1984, and on July 26, 1984, James F. Boatwright, Deputy Assistant Secretary of the Air Force wrote Mr. Sheahan. The letter referred to the meeting of myself, Colonel Smith and Mr. Hirsh, and stated "Recognizing your interest in a short-term agreement, I propose a five-year lease with the right of the Air Force to renew of an additional five years. Compensation for this lease interest will be based on a fair market value appraisal and if the Air Force elects to renew for an additional five years, an updated appraisal will be used to determine value. Furthermore, the appraiser must be acceptable to you as well as the Air Force." A copy of such letter is marked Exhibit "A", and attached to a copy of my statement which I will file with this meeting.

Based upon such representations, the Sheahans did not testify in opposition to HR 4932.

Under date of August 3, 1984, I wrote the Honorable Harry M. Reid, member of Congress, and advised him as to my meeting with Colonel Smith and Mr. Hirsh and enclosed a copy of the letter from Secretary Boatwright. At Colonel Smith's request, I furnished him a copy of such letter. A copy of my letter of August 3, 1984 is marked Exhibit "B" and is attached to the written copy of my statement filed in this matter.

On October 5, 1984, I received a letter from Byron D. Baur, Deputy Assistant General Counsel, Department of the Air Force, in which he made reference to "purchase a subordination of interest in the Sheahan Mine. . ." A copy of such letter is marked Exhibit "C" and is attached to the written statement I am filing in this matter.

On February 19, 1985, I wrote Mr. Baur and stated, among other things, "During the course of my correspondence with the Department of the Air Force, the arrangement that we contemplate entering into is referred to as a 'subordination of mining claim' Inasmuch as it is my understanding that we are contemplating a lease of the mining claims to the Air Force, I am wondering in what sence the Department is using the word 'subordination,' and would greatly appreciate being advised in

146 (82)

this regard." A copy of such letter is marked Exhibit "D" and is attached to the written statement I am filing in this matter. In such letter, I also submitted two names of qualified mining engineers as appraisers.

The Air Force did not see fit to reply to such letter until October 10, 1985, when Mr. Baur wrote me, rejecting both appraisers I had submitted, and stated, "The subordination would be embodied in a lease or temporary easement for five years. It would prevent use of the surface, except scheduled visits to the mine by the legal owners and their accompanying invitees. This would necessarily prevent mineral extraction operations in any substantial quantity. Visits would continue to require prearrangement with military authorities, as in the recent past. The Air Force would aquire no mineral rights in the property. The value of the subordination would not be the value of the minerals per se, but of the lost opportunity to mine them during the period of the subordination. The value, if any, of surface use for other than mining purposes would also be included. Whether the provisions establishing this subordination are contained in a lease or on easement does not seem to me to be critical, though if your preference is a lease we are quite willing to proceed that way. The important thing is that all parties with an interest in the matter are bound." A copy of Mr. Baur's letter is marked Exhibit "E" and is attached to the written statement I am filing with this meeting.

Now, I direct your attention to page 4-12 of the Draft Environmental Impact Statement, where it is stated. "The Air Force will, at its option, either subordinate valid existing mineral claims or allow holders of valid claims controlled access to work the claims at approximately the existing levels of activity. Subordination is a monitary payment to the claim holder in exchange for the legal right to defer extraction of the minerals. The amount of the payment would be based on the fair market value of the claim."

In other words, the Air Force, as evidenced by Mr. Baur's letter of October 10th, and as further confirmed in the Draft Environmental Impact Statement, has changed the agreement in mid-stream.

In other words, according to Mr. Baur, value will be based upon "lost opportunity to mine the claims during the period of subordination," and the Impact Statement states as well, that it will be "a monitary compensation to the claim holders in exchange for the legal right to defer extraction of minerals." The Environmental Impact Statement does go on to say that the amount of the payment "will be based on the fair 147 (83) market value of the claim," but the question really is, once you determine the fair value of the claim if there is not an outright lease of the claim, how do you determine the value of simply deferring the right of the owner to work the claim?

147 (83) In other words, it is my understanding that our prehearing agreement was that there would be an outright lease of the claims, with a rental based upon the fair market value of the claims. Whereas, now, compensation is going to be based upon the lost opportunity to mine the claims. This statement, as contained in the Draft Environmental Impact Statement, should be changed to reflect the true agreement of the parties.

DEPARTMENT OF THE AIR FORCE
WASHINGTON 20330

OFFICE OF THE ASSISTANT SECRETARY

July 26, 1984

Mr. Pat Sheahan
312 Country Club Drive
Henderson, Nevada 89105

Dear Mr. Sheahan:

Reference my recent letter of July 6, 1984 which outlined in detail the Air Force position relative to our proposed withdrawal of the Groom Mountain area and your patented mining claim. Also, reference the recent meeting between your legal counsel, Mr. Ralph Denton, and my representatives, Colonel Robert Smith and Mr. Paul Hirsch. The Air Force recognizes that the withdrawal of the Groom Mountain area does have an impact on your family. Our efforts in minimizing the number of visitors to the Groom Mountain area have only been in the interest of public safety and national security.

Based on the above, I am proposing to you the following action be taken to mitigate the impact that this withdrawal of public land will have on your family. The Air Force will subordinate through a lease at fair market value your interest in the patented mining claim. This will allow you to retain ownership but will prohibit you from actively working the mine.

Recognizing your interest in a short-term agreement, I propose a five-year lease with the right of the Air Force to renew for an additional five years. Compensation for this lease interest will be based on a fair market value appraisal and if the Air Force elects to renew for an additional five years, an updated appraisal will be used to determine value. Furthermore, the appraiser must be acceptable to you as well as the Air Force.

I fully understand the historical importance of your mine to your family. Therefore, and as discussed with Mr. Denton, you and your family will be permitted continued access to the mine area for a limited number of family gatherings. Advance notification of these visits similar to current arrangements is necessary. It is hoped that this proposal is acceptable to you and that the Air Force may proceed in securing a mutually acceptable appraiser to determine fair market lease value.

Sincerely,

JAMES F. BOATRIGHT
Deputy Assistant Secretary of the Air Force
(Installations, Environment and Safety)

EXHIBIT "A"

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August 3, 1984

The Honorable Harry M. Reid
Member of Congress
United States House of Representatives
1711 Longworth House Office Building
Washington, D. C. 20515

Re: Sheehan Family's patented and unpatented mining claims situate in the Groom Mining District of Lincoln County, Nevada.

Dear Congressman Reid:

Through your good offices, I met on July 13, 1984, as attorney for the Sheehan family, with Mr. Paul Hirsch of the Air Staff Real Estate Division, and Colonel Robert Smith, of the Department of Energy, for the purpose of discussing the effect that passage of HR 4932 might have upon the Sheehan family's quiet use, possession, and peaceful enjoyment of their mining claims situate within the land to be withdrawn upon passage of the Bill.

After a full and frank discussion, it was tentatively agreed that the Air Force would lease the claims from the Sheehans at a fair market value to be determined by an appraisal. Mr. Hirsch stated that he was returning to Washington and would send me a letter under the signature of Deputy Assistant Secretary of the Air Force, Mr. Boatwright, signifying their intention to enter into such a lease. He stated further, that he would send me such a letter prior to the hearing on such bill by the Subcommittee on Public Lands, which I understand is set for August 6.

Secretary Boatwright wrote Mr. Sheehan on July 26th, proposing that a five year lease be entered into, with the right of the Air Force to renew for an additional five year term. I understand that you have been provided a copy of such letter. The letter is very general in its terms, and does not address any of the questions which ordinarily present themselves when the lease of mining claims is under discussion. The only matter specifically referred to is the term of the lease, without mentioning a proposed commencement date, and an appraisal of the property to determine the fair

EXHIBIT "B"

market value.

Following is a list which includes, but is not limited to, the matters which will have to be negotiated before a lease of the kind suggested by the Secretary can be entered into.

1. Appraisal: A procedure will have to be agreed upon to select an appraiser, or panel of appraisers. The Secretary, in his letter, stated only that the appraiser must be mutually acceptable to each of us. Practical experience would lead one to believe that very seldom can two parties agree upon a single appraiser. Therefore, the proposed lease should set up a procedure for the selection of an appraiser, or panel, if the parties cannot agree upon a single appraiser.

2. Commencement of Term: It will be necessary to agree as to a commencement date for the term of the lease. I would anticipate some difficulty in securing a qualified appraiser for this type of property, and, therefore, months might pass until a fair rental is arrived at. Therefore, the parties will have to negotiate a commencement date, and if such date is prior to the appraisal, the lease must then provide for retroactive rental payments.

3. Maintenance of Property: The claims contain many tunnels and drifts that are substantially timbered. The timber, particularly will have to be inspected and replaced as necessary in order to prevent cave-ins. In addition, the water system and buildings will have to be maintained. Generally, there will have to be assurances that the property will not suffer waste during the term of the lease.

4. Assessment Work: As you are well aware, it is necessary that assessment work be done annually on the unpatented claims. Further, assessment work can be done on the patented claims in lieu of taxes. Ordinarily, in a mining claim lease, the tenant undertakes these responsibilities.

5. Timber: Ordinarily the right to take timber from public lands for domestic and mining purposes was appurtenant to a mining claim. The 1955 law changed this well-established privilege, but all of these claims were located and patents received to the patented claims prior to that time. Some recognition of this right to timber should be acknowledged by the Air Force.

5. Access: The Secretary refers to the family's access to these claims as "family gatherings," indicating that the purpose thereof is some sort of family reunion or party. Such is not the case. The purpose of the family's presence at the claims is (1) to do the assessment work; (2) inspect and replace the timbering; (3) maintain the buildings; and (4) to do additional exploratory and development work. If, of course, the Air Force intends to perform all of these services, then the only necessity for the family to go upon the claims would be for inspection purposes.

Upon receipt of Secretary Boatwright's letter, I called Mr. Hirsch and discussed these matters with him. He assured me of the willingness of the Air Force to negotiate all of the terms of the lease in good faith, and stated it was the desire of the Air Force to insure that the Sheehan family was not injured in any way by the contemplated withdrawal of public lands.

I wish to take this means of expressing my appreciation, and that of the Sheehan family, to you for your interest in this matter, and request that you call the Subcommittee's attention to the status of our current negotiations with the Air Force.

With kindest personal regards, I remain,

Very truly yours,

Ralph L. Denton

RLD:jk

DEPARTMENT OF THE AIR FORCE
WASHINGTON 20330

OFFICE OF THE GENERAL COUNSEL

October 5, 1984

Ralph L. Denton, Esq.
Denton & Denton, Ltd.
626 South Seventh Street
Las Vegas, NV 89101

Re: Subordination of Mining Claim of Patrick Sheahan et al.

Dear Mr. Denton:

This is in confirmation of my telephone call to you of September 24th, concerning the Air Force's desire to purchase a subordination of the interests in the Sheahan Mine in the Groom Mountain area of Nevada in conjunction with certain military projects nearby. As I indicated, we are prepared to work cooperatively with you in agreeing on a suitable appraiser or appraisers to establish fair market value for the five-year interest the Air Force wishes to purchase from your clients.

I have not yet received from you the list of acceptable appraisers which you offerred to prepare. We would also appreciate seeing the proposed language or terms you suggest for the agreement. With regard to the list of matters for negotiation included in your August 3, 1984, letter to Congressman Harry M. Reid, a copy of which has been provided to me, I see no reason to believe that the items on the list cannot be successfully dealt with. Insofar as the family's essential maintenance of the property, access, assessment work, and similar concerns are involved, I believe that even under the subordination agreement the Sheahan family can be permitted to continue those activities as in the past, at times scheduled with the Air Force representatives in the local area.

There are two additional matters which may benefit from your attention at this stage. One is the mid-1950's Bureau of Land Management study of the Sheahan Mine which you told me about. Our recent inquiry of BLM here in Washington, and theirs to their regional office, have disclosed no record of such a study or report. My repeated calls to Attorney Ed Hollingsworth's office in Reno, who you referred me to, have gone unanswered. If you can provide any further details or reference to where the report in question could be found, we can try again with BLM. I certainly agree that it sounds as if it would be useful for us to have, for the appraiser(s) as well as you and me and our respective clients.

The second matter that occurs to me as needing early attention is inclusion in the subordination agreement of all owners of the mine. Your prior letter to Deputy Assistant Secretary James Boatright indicated that you represented Mr. Patrick Sheahan in this matter, but it is our understanding that ownership in the mine may be shared among a number of members of the Sheahan family, or others. Do you, or can Mr. Sheahan arrange for you, to represent all outstanding interests? If not, please advise me, and we will have to consider other means of securing this necessary military interest in the property.

I will look forward to hearing from you in the near future.

Sincerely,

Byron D. Baur
Deputy Assistant General Counsel

cc: James Boatright

EXHIBIT "C"

February 19, 1985

Honorable Byron D. Bauer
Deputy Assistant General Counsel
Department of the Air Force
Washington, D. C. 20330

Re: Subordination of Mining Claim
of Patrick Sheahan, et al

Dear Mr. Bauer:

After considerable research into the title of the "Groom Mine," I have been able to compile a list of the owners thereof, and I enclose the same herewith. You will notice from such list, that the Sheahan family owns a controlling interest in each of the claims.

At the present time, we are attempting to obtain authorization from the other owners to negotiate on their behalf. We are confident that before an agreement is signed, Messrs. W. P. and D. R. Sheahan will have such authority, or will be able to put you in direct touch with any of the owners who have not granted authority.

I am enclosing herewith resumes of James W. Cole and James C. Hulse. I believe that either of these two gentlemen are fully qualified to appraise the mining claims.

During the course of my correspondence with the Department of the Air Force, the arrangement that we contemplate entering into is referred to as a "subordination of mining claim." Inasmuch as it is my understanding that we are contemplating a lease of the mining claims to the Air Force, I am wondering in what sense the Department is using the word "subordination," and would greatly appreciate being advised in this regard.

Very truly yours,

Ralph L. Denton

RLD:jh
Enclosures.

EXHIBIT "D"

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DEPARTMENT OF DEFENSE
UNITED STATES OF AMERICA

DEPARTMENT OF THE AIR FORCE
WASHINGTON 20330

OFFICE OF THE GENERAL COUNSEL

October 10, 1985

Ralph L. Denton, Esq.
Denton & Denton, Ltd.
626 South Seventh St.
Las Vegas, NV 89101

Dear Mr. Denton:

I am writing to forward to you the resumes of three professional mineral appraisers who the Air Force and the Corps of Engineers believe are appropriately qualified to do the appraisal on the Groom Mine subordination. After considerable inquiry, we believe that these individual's credentials and experience indicate that they are better suited to the task than would be Messrs. Cole and Hulse, whose resumes you sent me in the spring. Those latter gentlemen appear to be mining engineers, but with little relevant experience in the matter of appraisal and valuation of such mining property. I would appreciate your consideration of the attached resumes and receipt of your views at your first convenience.

The subordination would be embodied in a lease or temporary easement for five years. It would prevent use of the surface, except scheduled visits to the mine by the legal owners and their accompanying invitees. This would necessarily prevent mineral extraction operations in any substantial quantity. Visits would continue to require pre-arrangement with military authorities, as in the recent past. The Air Force would acquire no mineral rights in the property. The value of the subordination would not be the value of the minerals per se, but of the lost opportunity to mine them during the period of the subordination. The value, if any, of surface use for other than mining purposes would also be included. Whether the provisions establishing this subordination are contained in a lease or on easement does not seem to me to be critical, though if your preference is a lease we are quite willing to proceed that way. The important thing is that all parties with an interest in the matter are bound.

In that regard, the matter of your legal representation of the various interests involved still has to be resolved. Your last letter indicated that you were still in the process of contracting the other owners. In the meantime, we have received a copy of a letter to you from T.O. Sears and J.F. Sears, which appears to reject your representation in the matter. Could you clarify the status of your representation, as to all the parties including the Sears brothers?

The Air Force is very desireous of getting the appraisal(s) and the subordination transaction completed at an early date. I hope to hear from you on it soon.

Sincerely,

Byron D. Baur
Deputy Assistant General Counsel

3 Atchs
1. Resume of Sidney S. Alderman, Jr.
2. Resume of Charles William McClung
3. Resume of John Moon

EXHIBIT "E"

AIR FORCE HEARING ON GROOM MOUNTAIN WITHDRAWAL

7:00 PM  November 22, 1985  Clark County Community College

148 ⑨ Because of the existing wildlife and its supporting habitat present in the withdrawal area, we feel that one or two people from the Dept. of Wildlife should be allowed into the area annually. They need to count and monitor the wildlife known to be there and the environment needs to be checked periodically to be sure that damage is not occurring.

149 ⑮ You have agreed to put in one guzzler for every running stream in the withdrawal area. A stream offers wildlife much more benefit in vegetation and natural cover than does a guzzler.

150 ⑯ There was some willingness expressed to improve the Wayne Kirch Wildlife Area. There is a farm on the west border of that area. It should be purchased so that the Kirch area can be made larger.

151 ㊹ Citizen Alert is also concerned because the E. I. S. doesn't appear to show compliance with the Udall suppliment to HR 4932. It calls for the bill to be "subject to valid, existing rights." I have some questions about this --

152 ⑨ ㉕ 1. There is a mining operation and existing ranch in the withdrawal area. Will the owners have unlimited access?

2. Will the grazing rights be affected?

153 (85) 3. Since this is one of the oldest producing mines in the state and there is major mineralization (silver, zinc, lead) in the withdrawal area, have there been objections raised by Bob Warren, the executive secretary of the Nevada Mining Assn?

154 (86) 4. Could miners be hired to work in the area?

155 (87) 5. Has the archæological study of Dr. Lonnie Peppin of the Groom area been considered by the Air Force in this acquisition?

156 ⑯ 6. Do you have specific plans to increase or improve the Wayne Kirch Wildlife Management Area?

Judy Treichel
Citizen Alert of Nevada

# 3.0 RESPONSES TO PUBLIC COMMENTS

Responses to the public comments are not grouped according to topical areas, but rather are presented in roughly the sequence that the topics were raised by the commentators. Many of the responses refer the reader to related responses. At the conclusion of the responses, an index is presented that provides reference to the comment or comments to which each response is directed.

## 3.1 RESPONSES

### 1. "Water Quality Impacts"

The character of the Groom Mountain Range Withdrawal, as described in Chapter 3 of the DEIS, is that there are no perennial streams and only a few springs which have small flows. Any limited overgrazing and accelerated erosion caused by a boundary fence, if constructed, would occur well away from the springs therefore having no water quality impacts. The possibility of overgrazing can be avoided through the implementation of a management plan whereby BLM will be accorded access to ensure proper livestock management on the withdrawal. Implementation of such action has been agreed to by the Air Force and BLM.

The management plan to be developed by the Air Force and BLM will allow BLM to ensure proper management of livestock grazing and wildlife on the withdrawal. With this plan in place, overgrazing would not take place. Any accelerated erosion along a boundary fence, if constructed, would take place well away from, and down gradient of, the spring areas and would have no measureable impact on water quality. The source of spring flow is precipitation at higher elevations. The springs, with their minor discharge, flow on the surface for only a short distance before infiltrating into the soil. The management plan would include a committment to ensure the water resources, although quite limited, are protected from adverse impacts.

The water resources of areas surrounding the Groom Withdrawal are limited to groundwater developed by wells and to four small springs just outside the withdrawal in T5S, R55 1/2 E, Sec. 4. The rights to these springs are held for stock watering purposes. There are no active streams in the adjacent areas. The withdrawal would have no impact on either the water quantity or quality in the surrounding areas since water use will not change. If a boundary fence were to be constructed, it would be designed to minimize restriction of wildlife movement. Trailing along the fence line would have no impact on water quality or quantity since the fence would be constructed away from any active water sources i.e. the four springs. Furthermore, the source of groundwater in the surrounding valleys is recharge from higher elevations of the mountain ranges as shown in Figure 3.5 of the DEIS and would not be affected in any way by the withdrawal.

The BLM currently has and will continue to have responsibility for resource management on public lands contiguous to the withdrawal. The renewed withdrawal would not impact their activities to administer these lands.

## 2. "Access for EPA Personnel"

The U.S. Environmental Protection Agency/Environmental Monitoring Systems Laboratory, Las Vegas, Nevada, pre-positions a monitor in the withdrawal area prior to execution of nuclear events at the Nevada Test Site. This long-standing agreement of entry is accomplished through an annual letter of request and approval between the EPA/EMSL office and the USAF/DOE NV Liaison Office, Las Vegas, Nevada.

## 3. "Air Quality Impacts"

On page 4-2 of the DEIS it is stated that any fugitive dust generated due to fence construction would be limited to the actual construction time. The fence, if constructed, would be built in such a manner that blading would not be necessary, therefore minimizing land disturbance and dust generation.

As stated on page 4-2 of the DEIS the fugitive dust generated by vehicular travel over existing unpaved roads is infrequent in nature. If dust generation, due to increased traffic, were to become a problem in the future measures would be taken to minimize the problem.

## 4. "FLPMA Minerals Survey Criteria"

Federal Land Policy and Management Act (PL 94-576) (FLPMA) criteria for minerals survey are given in Section 204 (c) (2) (12) which states:

> "(12) a report prepared by a qualified mining engineer, engineering geologist, or geologist which shall include but not be limited to information on: general geology, known deposits, past and present mineral production, mining claims, mineral leases, evaluation of future mineral potential, present and potential market demands."

Nowhere in the act are any further criteria or guidelines specified. The report was prepared by a qualified mining engineer and does include information on general geology, known mineral-deposits, past and present mineral production, mining claims, and a discussion of evaluation of future mineral potential, present and potential market demands. Furthermore, the EIS is prepared to meet the requirements of the National Environmental Policy Act. Compliance with FLPMA is a related independent requirement.

See also response 7.

## 5. "Minerals Data Presented in the DEIS"

The DEIS contains only a summary of the minerals survey. Detailed data are contained in the Groom Mountain Range Mineral Inventory and Geochemical Survey, a copy of which was provided to Bureau of Mines, USDOI.

This separate report is a document of comparable size to the DEIS and contains Appendices that list all the available data.

See also response 39.

## 6. "Minerals Data Appended to the DEIS"

The minerals report entitled "Groom Mountain Range Minerals Inventory and Geochemical Survey" was prepared as a separate document as part of the EIS process and is not appended to the DEIS.

## 7. "Adequacy of Minerals Inventory and Geochemical Survey Report"

An addendum was added to that report to include data on mineral leases and to complete the evaluation of future mineral potential, present and potential market demands. With this addition, the minerals report adequately meets the requirements of FLPMA.

## 8. "Corrections Regarding Vegetation"

Corrections have been noted (see "corrections to DEIS").

## 9. "Access for Wildlife Personnel and Others"

Access to the withdrawn area is not a question of parity, patriotism, perceived need, or stated desire. Access is based on the requirements of the Air Force to accomplish its mission and PL 98-485. Section 3, Paragraph (a) of the law, requires the Secretary of Interior, BLM designated, to manage the lands within the withdrawn area. Access for BLM is therefore required. Section 3 of the law further states:

> "...All use of such lands, and the issuance of any lease, easement, right-of-way, or other authorization with regard to such lands -
>
> (1) shall be secondary to the military use of such lands purposes specified in section 1, and
>
> (2) may be authorized by the Secretary of the Air Force.
>
> (b) When military operations, public safety, or national security determined by the Secretary of the Air Force, require the closure of any road, any trail, or any other portion of the lands withdrawn by this Act, the Secretary of the Air Force may take such action as the Secretary of the Air Force determines necessary or desirable to effect and maintain closure...."

Since the land has been withdrawn subject to existing rights, access to the withdrawn area is provided to the current grazing and valid mining claimants through a written commitment by the Air Force as under Section 1(a) of the act. Basically, no access is desired, and therefore, access is limited to that which is required.

## 10. "Stonewall Mountain Sheep Hunting"

Past efforts concerning expansion of the Stonewall Sheep Hunting Area have been minimal, resulting in no action. The Air Force proposed mitigation

alternative will significantly enhance public access and hunt success. This alternative is offered only as a part to the whole Groom Mountain Range mitigation package.

11. "Size of Withdrawal"

During initial meetings between the Air Force and BLM the question of minimal area was raised by BLM to satisfy that agency's responsibility of ensuring that minimum acreage is considered for any withdrawal from the public domain. Also, during the scoping process the Air Force was requested to re-evaluate the withdrawal size. To satisfy the scoping request and at the request of the BLM, Air Force provided specific data points of elevations as they applied to the existing withdrawal usage and the concept for use of the proposed renewal of the Groom Range withdrawal. Using mean sea level elevations, above ground level elevations, geographic contours, and the publicly stated description of proposed action, the BLM computerized an analysis of the subject withdrawal. The results of the analysis combined with the stated security requirements (a buffer area) led to the conclusion, stated in the BLM letter to DRI, 21 Aug 85, that the withdrawal acreage is minimal and not excessive to the stated requirements.

See also response 34.

12. "Consensus Recommendation on Mitigation"

The Air Force and BLM have analyzed the impacts of the proposed action and are recommending mitigation measures which they believe are commensurate to the impacts. Congress will be the final arbitor of mitigations actually implemented. The State, and others, will have opportunity to make their recommendations during Congressional hearings.

13. "Information on Rock Art"

Photographs and accompanying notes/materials may be released upon request. However, such material may be subject to reimbursement costs.

See also response 9.

14. "Hunter-day Surplus Value"

The $15 per day consumer surplus used in the analysis represents our estimate of the present value received by the recreator in excess of his actual costs. This value, as noted in the DEIS, was based upon work by Pon (1970) updated to 1985 dollars.

This value does not include normal expenditures by the recreator since the commodity lost due to the withdrawal is only the value received in excess of cost. This analysis assumes that the recreator would incur a similar level of recreational cost while participating in a substituted recreational activity.

See also responses 20, 21, and 22.

## 15. "Wildlife Waterers"

Game bird guzzlers and big-game guzzlers are simply artificial water sources that collect and store precipitation. The primary difference between those for birds and big-game is size of the catchment area and storage tank. In general these waterers have been used to supplement natural water supplies to achieve dispersal, or larger populations, of game species. Equivalence between wildlife waterers and natural springs is difficult to define because there are so many variables and related considerations. Springs generally have an associated riparian zone that enhances habitat for the concerned species as well as others. The size and nature of the riparian zone depends upon the volume and seasonal character of the spring flow, geology, soils, topography and climate. Artificial waterers will not generally have an associated riparian zone.

In dry years, a waterer may not collect enough water to last through the summer months, but by the same token small springs may go dry. In either case, wildlife using that source must seek another.

NDOW has stated that replacement of springs on a one-for-one basis is inadequate and that a more reasonable ratio would be based on flow rate.

Probably more important than flow rate is whether the spring is perennial or ephemeral and whether or not it has a significant riparian zone. It is doubtful that a spring which only flows for 2 or 3 months of the year can sustain a permanent wildlife population. It is equally doubtful that a perennial spring, which flows only 10 gpm can sustain only half the population sustainable by a spring that flows 20 gpm.

Since artificial waterers do not create riparian habitat, no number of them will be equivalent to even a small perennial spring which does provide that associated habitat. If a waterer provides a perennial water source of sufficient volume to meet the consumptive requirements of the wildlife population (that amount which they actually drink), then it is equivalent as a water supply.

If a given wildlife population which is sustained by a spring and its associated riparian zone can be sustained by other vegetation through dispersal at several waterers, then that number of waterers could be considered equivalent to the spring.

Further discussions with and comment from NDOW indicate that they believe "that a ratio of 5:1 for natural waters is reasonable". Figure 3.4 of the DEIS shows the location of 17 "springs" within the withdrawal. Table 3.4 of the DEIS displays the only known flow measurements for those water sources. Those flow measurements, which were made by DRI in late May 1985, reflect the annual peak flows. Of those 17 "springs"; two had "flows" insufficient to measure and essentially no riparian zones; three are believed to be ephemeral and had very low flows with limited riparian zones; two "springs" could not be located and thus may not even exist; and two have no access at the source because of covered diversion boxes and pipes that take the water off the mountain for

domestic supply and lower elevation stock tanks that have no riparian vegetation. Thus, of the seventeen water sources shown on Figure 3.4 of the DEIS only eight (8) have significant riparian vegetation and are believed to be perennial. However, one of these is believed to be a man-made source rather than a natural source.

Thus, replacement at the NDOW's recommended 5:1 ratio would entail purchase of 40 wildlife waterers. A distribution of 30 bird waterers and 10 big game waterers would be consistent with the observed wildlife resources and estimated potential hunter utilization on the Groom Range. This implies a cost of approximately $380,000 (30 at $7,000 plus 10 at $17,000; average). The Air Force and BLM recommend that funds in the amount of $380,000 be made available to Nevada Department of Wildlife for purchase of water storage tanks and collection aprons for wildlife waterers in Lincoln County. The actual locations within Lincoln County and types of waterers should be left to the discretion of NDOW in consultation with other appropriate resource management agencies.

The Air Force and BLM believe that the above 40 waterers are an appropriate and reasonable mitigation for lost hunting opportunity. Ownership and maintenance responsibilities for these waterers should rest solely with NDOW. This mitigation is recommended.

### 16. "Purchase of Private Lands Adjacent to Kirch and Key Pittman Wildlife Management Areas"

Purchase of private lands to expand the Kirch and Key Pittman Wildlife areas was not considered since this would have a negative impact on Lincoln County revenue, i.e. reducing tax base. It was not deemed appropriate to consider actions which would reduce the already small amount of private land in this part of the state. This decision is consistent with Lincoln County's SB40 plan as drafted November 21, 1984. In that plan on pg. 4-5 under the heading of "Federal Lands" the County states its policy as:

> "1. Increase opportunities for local economic development by selectively increasing the amount of privately owned and managed land within the County.
> 2. Public lands should be disposed of for private agriculture needs."

On pg. 6 of the plan under the heading of Agriculture the County states as its objective:

> "Recognize that agricultural production in Nevada will be necessary to help meet the requirements of future state populations and is important to Lincoln County. Preserve agriculture land and promote continuation of agricultural pursuits in Nevada.
>
> POLICIES
>
> 1. Formally recognize the value of and necessity for the retention and expansion of agricultural land by all levels of government."

## 17. "Real Estate Value of Groom Mountain Range"

No attempt was made to develop an appraisal of the real estate value of Groom Mountain Range since the land was owned by the Federal Government before the temporary withdrawal, and will remain Federal land. The Federal Government does not "pay" for withdrawal of Federally owned lands. An attempt was made to realistically evaluate the public use values (hunting, recreation, etc) and the mining and agriculture values of the Groom Mountain Range. These evaluations were presented in Sections 3.10 and 4.2.10 of the DEIS.

## 18. "Maintenance, Use and Paving of the Rachel to NTS Road"

Maintenance of the 43 mile road from Rachel to the Nevada Test Site is the responsibility of Lincoln County for approximately 8 miles from Rachel to the boundary of the Nellis Bombing and Gunnery Range. The Air Force maintains the remaining 35 miles.

As a part of the Nellis Range, this road is controlled for user safety. Since the mid-1970's a schedule has been published and briefed to those citizens of Lincoln County authorized to travel between the NTS and Rachel. As activities within this portion of the Nellis Range increased, a new schedule was published and users made aware of the open and closed times of the road. An exclusive telephone number was established and published by which users could call and verify the status of the road. It is neither practical nor efficient for Air Force personnel to individually notify users of the road status. The previously discussed method of determining status is working.

At the request of Governor Bryan, Air Force and BLM officials met with State representatives to discuss alternatives to the issue concerning paving the Rachel to NTS road.

An upgraded Type II gravel road with proper drainage and maintenance for the length of the road from Rachel to the NTS Gate 700 junction is a recommended mitigation.

Lincoln County has applied for a right-of-way south of Rachel farm lands (the existing road cuts through private farm land) to provide a better road bed which will be consistent with recommended paving plans for the 8-mile portion of the road Lincoln County now maintains.

## 19. "Mitigation Measures Evaluated"

Public scoping meetings were held in Caliente, Alamo and Las Vegas to gather input regarding issues and concerns relating to the proposed withdrawal. All issues and concerns raised at these meetings were addressed in the DEIS as well as others that were not mentioned in the public comment. The eighteen mitigation measures discussed in the DEIS are in response to the concerns and issues raised.

See also response 28.

## 20. "Recreational Use"

As indicated in Sec. 3.8.3 of the DEIS, historical recreational use (all types) was estimated on the basis of discussions with various organizations and on the basis of field observation of evidence (or lack thereof) of recreational use, eg. hunter camps, roads, trash. Estimates of lost recreational opportunity (Sec. 4.2.8, pg. 4-7) are generous given the lack of hard data. Hunter recreation is limited by the natural productivity of the area. Even if other recreational use estimates were tripled (while southern Nevada population doubles) the total use would remain low. See also response 21 and 22.

## 21. "Future Recreation Demands"

Growth in recreation demand was considered.

See also responses 20 and 22.

## 22. "Value of Recreational Use"

The $41,400 value estimated in the DEIS was made from on-site estimates of past use of the withdrawal area for both hunting and non-hunting recreation. This value as described in Section 4.2.10 was derived from the estimated "surplus value" of the recreational opportunity lost, not from expenditures. The commodity lost due to the withdrawal is only the value received above that which is expended on the activity i.e. the consumer surplus. Using the "surplus value" as the value lost due to withdrawal it was estimated that the annual loss from 100 hunter days and 67 other recreational days is $2500. To represent the present worth of an infinite future series of annual recreation losses of $2500 the annual value is divided by a discount factor. A conservative 6% annual discount factor was used. This analysis does not include large increases in future use. If the future level of use were to increase above current levels, the increase would be limited by the natural resources available. Hunting would be limited by the area's ability to provide game, and other recreation by the limited resources, especially water. The minimal spring flow and existing legal rights for stockwatering would severely limit the amount of camping to those who are willing to dry camp in areas of limited access. Day hiking and backpacking would not be similarly limited. Given this, the projected use indicated in the DEIS of 48 hunters and 104 days of other activity by the year 2000 seems reasonable. If one applies the same "surplus value" per day to this year 2000 level of activity, the recreation consumer surplus would be approximately $6000 on an annual basis. Using an average of the recent historic use and this projected year 2000 use, the average annual loss of $4,250 has a present value of approximately $71,000.

See also responses 20 and 21.

## 23. "Rehabilitation of Kershaw-Ryan State Park"

This potential mitigation measure for lost recreational opportunities was not brought up during the public scoping meetings. According to Mr. Steve Weaver, Assistant Administrator of Nevada Division of State Parks it would cost

approximately $754,000 to reopen the park to public use. Mr. Weaver states that:

"A significant portion of the amount is attributed to consultant fees. In order to prevent a repetition of the flood damages incurred in 1984, it is very important that a detailed hydrology study be completed prior to any other work. This study must include a determination of runoff quantities at critical points within the park and the feasibility of providing a stream channel capable of handling a 100 year flood. A park master plan must then be conducted since it is unlikely that facilities can or should be replaced in the same physical locations within the park. Finally, construction drawings must be completed before any additional rehabilitation work is accomplished." (letter from Mr. Steve Weaver to G. Cochran dated 2/24/86)

As a potential mitigation measure, the Air Force believes that the costs for rehabilitation of Kershaw-Ryan are incommensurate to the loss of comparable recreational opportunities.

This mitigation measure is not recommended by the Air Force for implementation.

## 24. "Cultural Resource Responsibilities"

A Memorandum of Agreement will be prepared by the Department of the Air Force and the Bureau of Land Management for the concurrence of the Nevada State Historical Preservation Officer. This Memorandum of Agreement can cover such topics as establishing guidelines delineating cultural resource responsibility for undertakings, designating a liaison officer, procedures for consultation, and evaluation and/or nomination for National Register significance. Since the Groom Mine is privately owned and is not a part of the withdrawal, it will not be nominated to the National Register by the Department of the Air Force or the Bureau of Land Management.

## 25. "Delineation of Grazing Privileges"

As authorized under the Taylor Grazing Act and further under PL 98-485 (the current withdrawal act), D-4 Enterprises has grazing privileges within the Bald Mountain Allotment. The current withdrawal is allowed subject to valid existing rights. Grazing privileges within the Naquinta Springs allotment were previously acquired by the Air Force and were subsequently retired. The Naquinta Springs Allotment represents 58% of the withdrawal area. D-4 Enterprises has no grazing privileges within the Naquinta Springs Allotment. Recognizing the difficulty in managing grazing because of restricted access and the lack of fencing, a BLM citizen committee (the Coordinated Resource Management Plan (CRMP) Committee) recommended alloting 475 AUMs of temporary non-renewable use within the Naquinta allotment. BLM has agreed with D-4 Enterprises that no unauthorized use charges (trespass) would be made if minor occasional grazing occurred on the allotment by Bald Mountain Allotment cattle. Blatant abuse or negligent use of this allotment, however, will result in trespass actions.

If a perimeter fence were to be constructed it would have an adverse impact to livestock grazing within the Bald Mountain Allotment. Available waters on the west portion of the allotment would be included within the fence, thereby leaving a significant portion of the allotment without available water. The Air Force as part of fence construction will mitigate this impact by making water available north and east of the perimeter fence.

## 26. "Assignment of Military Personnel to Lincoln County"

Training and testing criteria for the Nellis mission are not compatible with locations external to the present Nellis complex. The USAF, through Nellis AFB, currently provides limited, temporary duty location of personnel within Lincoln County in support of ongoing Red Flag training activities. Should conditions change in the future, assignment of personnel to Lincoln County would be considered.

## 27. "Estimated Numbers of Furbearers"

Data on past trapping activities in the Groom Mountain Range were not found. Inquiry was made of Nevada Dept. of Wildlife. The DEIS lists primary furbearers expected to be found in the withdrawal area, though no attempt was made to conduct a census. Based on discussions with Nevada Department of Wildlife, it was estimated in the DEIS that the area could sustain 5 trap lines (see Sec. 4.2.8, pg. 4-7 of the DEIS).

## 28. "Responsibility for Mitigation"

Public Law 98-485 mandates that "as soon as possible after the date of the enactment of this Act but no later than January 1, 1987, the Secretary of the Interior and the Secretary of the Air Force shall issue an environmental impact statement, consistent with the requirements of the National Environmental Policy Act of 1969, concerning continued or renewed withdrawal of the lands..." After enactment of PL 98-485, the Department of Interior and Department of the Air Force jointly decided that the Air Force would be the "lead agency" and the Department of Interior, represented by BLM, would be a "cooperating agency." This is reflected on the cover sheet (page i) and the cover of the DEIS.

Officials from the Air Force and BLM have worked together throughout the preparation of the DEIS, including the discussions on potential mitigations. The statement "this shifts the mitigation burden from the Air Force to the BLM" is a misperception. Additionally, the Groom Mountain Range lands were owned by the Federal Government before the temporary withdrawal as well as after the temporary withdrawal. The Federal Government does not "pay" for withdrawal of public lands. We are unaware of any program whereby the Air Force makes a payment for land withdrawn from the public domain.

## 29. "Treatment of Groom Mine Owners"

Although not a part of the EIS process, the Groom Mine compensation issue does relate to the withdrawal renewal. The Air Force Office of General Counsel

(legal department) has been in direct contact with the Groom Mine owners or their legal representative. Contrary to the statements and implications of the Citizen Alert letter, there has not been a determination of compensation to the Groom Mine owners. Therefore, criticism of the outcome of legal discussions between Groom Mine owners and the Air Force lawyers is premature and grossly misleading.

### 30. "Bald Mountain Timber Rights"

On mining claims filed prior to 1955, a mining claimant had the right to utilize timber located on his/her claim but only for the purpose of, or in the process of, extracting the ore from the claim. The Mining law of 1872 did not bestow on the mining claimant a right to timber located off the claim. A claimant's use of timber on a mining claim was further clarified in Public Law 84-167 "Common Varieties Act", July 23, 1955. To date we have been unable to determine under which law this alleged right has been claimed.

### 31. "Structure Identification"

We mistakenly identified the foundation due to an NTS sign found at the site. The correct identification is appreciated.

### 32. "Grazing Privileges"

The Taylor Grazing Act of June 28, 1934 (Section 3) refers to grazing use licensed on public lands as "grazing privileges" and further that "issuance of a permit pursuant to the provisions of this Act shall not create any right, title, interest, or estate in or to the lands". (43 U.S.C. Sec. 315b). We stand corrected.

### 33. "Antelope Hunting South Stone Cabin Valley"

Aerial survey data accumulated by BLM, NDOW and USAF personnel during annual Wildhorse population surveys have not documented significant antelope population data which would support an annual harvest. Survey and forage data indicate that wild horses and other wildlife species, such as antelope, compete for the limited resources available resulting in domination by wild horses and the exclusion of other wildlife species. The Air Force does not believe this to be a viable mitigation alternative after reviewing the area of concern and its relationship to the National Wildhorse Range Area.

### 34. "Guidelines for Evaluation of Withdrawal Size"

The following letter dated 21 Aug 85, from the BLM Acting District Manager is addressed to the Desert Research Institute, EIS Project Manager:

> "The Bureau of Land Management, in its role as cooperating agency with the Air Force for the Groom Mountain Range Withdrawal EIS, has analyzed for smaller configurations of the withdrawal. Using

> factors provided by the Air Force, an analysis was conducted in which public safety and national security requirements were analyzed in the context of physiographic and vegetative conditions in the area. In order to maintain visual and physical security, unauthorized access to certain trails, roads, ridgelines and land areas must be controlled. To efficiently and effectively provide security, physical access to secure boundary areas must be readily attainable by security personnel. These factors are minimally, but adequately met by the current boundaries. While visual security is maintainable in some areas with a lesser amount of land, the other parameters are compromised. In some cases, new road construction on steep terrain would be required to maintain the same level of security as is achieved with the current boundary."
>
> "It became clear through this analysis that the current size and configuration of the withdrawal are the minimum necessary to reasonably maintain security. In our opinion, it is impossible to devise a smaller or differently configured boundary which would meet the stated purposes of the withdrawal. Consequently, no further effort to develop this alternative for analysis in the EIS should occur."

See also response 11.

### 35. "Consideration of PL 98-485"

The National Environmental Policy Act of 1969 provides for public participation throughout the Environmental Impact Statement (EIS) preparation. All issues, concerns and mitigation measures presented during the scoping process and public comment period are considered in the EIS. Included in the public comment are a letter from the Governor of Nevada and a statement from Congressman Reid, both of which were submitted after the draft EIS was made available to them. The concerns and issues raised in the governor's letter and Congressman's statement are addressed in the final EIS.

See also responses 17, 22, and 75.

### 36. "Wildlife Management Cooperation"

As in other BLM planning efforts, the Nevada Department of Wildlife will be consulted during the development of the Groom Mountain Range Management Plan on all aspects of the plan which may impact wildlife.

### 37. "Nuclear Tests, Dissolution of NTS, Intercontinental Missiles, and Star Wars"

These comments are unrelated to the proposed action, and therefore will not be addressed in this study.

## 38. "Bombing and Strafing of the Sheahan Property at Groom Mine"

The mill was apparently destroyed sometime in 1953; cause unknown. To our knowledge, no formal claim has ever been filed against the Air Force, although a lawsuit was filed against the United States of America in the early '50s and was subsequently dismissed with prejudice several years later after the plaintiff failed to diligently pursue the action.

## 39. "Location of Boondock Lode Claim"

Figure 3.7 of the DEIS is not conducive to depicting precise location of individual claims because of their small dimensions at the given map scale. Approximate location of the Boondock is shown in Figure 3.7 (revised) which is presented in the "Corrections to the DEIS". More precise portrayal is given in the "Mineral Inventory and Geochemical Survey" report for the Groom Mountain Range.

## 40. "Access to Valid Claims"

The statement of paragraph 1, page 4-1, of the DEIS is correct. BLM has determined that you hold a "current valid claim". You will be given access to the claim so long as the claim remains valid.

See also response 41.

## 41. "Periods of Access to Boondock Claim"

Access will be maintained to owners, employees, and business invitees to valid mining claims within the area, including persons to whom an interest in such mining claims has been legally transferred by sale, inheritance, etc. Because of national security requirements, such access must be restricted to scheduled visits at specified times, to be arranged with the proper military authorities. If necessary military limitations on such visits to valid claims prevent working of mines, the Air Force will obtain subordination rights from the valid claim owners by negotiated agreement or condemnation. The Air Force would obtain no mineral rights in such a transaction, and the owners would be paid for the lost opportunity to mine the claims now rather than delaying until the conflicting military operations have ceased in a few years. Appraisals to determine that value would be paid for by the Federal Government.

## 42. "Rock Samples from Boondock Lode Mining Claim"

An attempt was made to collect from each claim rock samples that represent the best mineralization found at each sample site. Rock samples were taken to investigate geochemical relationships.

## 43. "Request for Rock Sample Analysis"

Mr. Cowan brought samples of rock to the Nevada Bureau of Mines and Geology for assay. Analyses were done by wet chemical and fire-assay techniques which yield qualitative measures of the contents of the sample. Semi-quantitative spectrographic analysis of the sample was conducted by the Branch Exploration Research, U.S. Geological Survey, Denver, CO. Significant results of the Nevada BM&G analysis indicated the following:

| Au(oz/ton) | Ag(oz/ton) | Pb% | Zn% | Hg(ppb) |
|---|---|---|---|---|
| <0.002 | 23.97 | 32.54 | 0.04 | <35 |

These results are significantly different from those derived from sample No. 3047 which was collected by NBMG and reported in the "Mineral Inventory and Geochemical Survey" for Groom Mountain Range.

The Air Force and its contractors cannot attest to the location from which Mr. Cowan collected the submitted sample, however, Mr. Cowan's statement is not contested.

## 44. "Legal Description of Withdrawal Area"

The legal descriptions shown in DEIS Appendix A have been derived from projected townships, that is, lands which have not been surveyed and platted. Therefore, it is proper to refer to the overall acreage as "more or less".

## 45. "Cost of Red Rock Purchase"

The estimates given in Section 4.3.4, ranging from $4,000,000 to $25,000,000 are based upon the total acreage purchased. The lowest costs represents the estimated cost of only the priority 1 acreage, 625 acres. The $25,000,000 cost represents the estimated cost for the entire 4,968 acres.

## 46. "Evaluation of Mitigation Measures"

The Draft Environmental Impact Statement (DEIS) provides a discussion on all potential mitigation measures raised during the scoping process. The DEIS does not decide which mitigation measures would or would not be taken if the withdrawal is renewed. Rather, the DEIS offers a recommendation on which mitigation measures, if adopted, would most fairly and adequately mitigate the impacts of renewed withdrawal. The discussion in the DEIS of potential mitigation measure No. 6 clearly reflects the high cost of these guzzlers ($270,000 - $540,000). Additionally, previous discussion in the DEIS (paragraph 4.2.6) shows that providing water for bighorn sheep would not be mitigating a direct impact of the withdrawal.

See also response 15.

47. "No Action Alternative"

As stated on pg. 2-1 of the DEIS, the "No Action" alternative would compromise both public safety and the security of national defense activities, both of which are unacceptable to the Air Force.

See also response 56.

48. "Positive Impacts of Proposed Action"

Positive impacts are insured public safety and security of the national defense assets. Additional positive impacts are discussed in Section 4.2.7 of the DEIS. The withdrawal is expected to be beneficial due to protection afforded cultural resources. Furthermore, the withdrawal will afford greater conservation of the area's natural resources than would be possible with other actions such as a wilderness designation.

49. "Reasons for the Withdrawal"

It is not the intent or desire of the Air Force to generate negative public attitude through this withdrawal action or document preparation. The simple facts of the rationale behind the withdrawal are as stated in the DEIS -- the Air Force, supported by the BLM and documented by DRI, requires a buffer of land to provide public safety and protect national security. It's that simple. Definition of the term national security or discussion in attempts to further "explain" or "inform", draws one back to the term itself.

See also responses 56 and 69.

50. "Other Mitigation Measures"

See responses 15, 18, 19, 23, 28, and 35.

51. "Mining Potentials"

The withdrawal would not "hamper" development of mining potentials, it would prohibit such development over the life of the withdrawal. At some future time such development might be possible if economic conditions warrant. Prohibition of potential minerals development will adversely effect possible future Lincoln County tax revenues and general economic development. This issue was discussed in Sections 3.10 and 4.2.10 of the DEIS. Owners of valid mining claims will be compensated.

See also responses 65, 80, 82, and 83.

52. "Deep Carbonate Aquifer Studies"

The Groom Mountain Range is believed to be an area of recharge to the deep carbonate aquifer groundwater flow system(s) of eastern and southern Nevada.

As a recharge zone, the area would not be developed for water supply. In fact as a source area, withdrawal will provide a measure of protection. During field investigations for the DEIS, Desert Research Institute personnel collected hydrologic data needed for studying the "Deep Carbonate Aquifers".

53. "Socioeconomic Impact to Lincoln County"

These impacts are discussed in Sections 3.10, 4.2 and 4.3 of the DEIS.

54. "Air Force Payments to Lincoln County"

There is no statutory authorization to provide monies to a state general fund as a result of withdrawal of federal land, nor does the DEIS address such a suggestion.

55. "Shoshone Land Claim"

Your comments are noted, however, the United States Government does not agree.

56. "Reasons for the Withdrawal"

Training, testing and evaluation of weapons is not a casual task. Safe boundaries or buffers must be in place to protect range personnel and the general public. As discussed in the response to Governor Bryan (response 9) and the BLM letter to DRI (response 34), security and safety are complex and are not perceived as vague or empty terms. The DEIS has stated the need for the proposed action and does address impacts upon grazing, mining, recreation, cultural resources, animals, vegetation, water, soils, physiography, climate, air quality, and taxes.

The DEIS addresses safety as a concern towards the general public. It is not intended to be directed toward a specific person or group of people.

The "No-Action" alternative, paragraph 2.1 on page 2-1 of the DEIS, states that "such action is not responsive to the national defense and that a return to public land status would compromise....security of the national defense activities in the area." A discussion based on Mr. Benezet's questions goes beyond the requirement or intent of the EIS process of relating impacts to the withdrawn area, proposed renewal of withdrawals, or areas adjacent to the withdrawal.

57. "Minerals Descriptions"

Mr. Benezet was sent a copy of the Groom Mountain Range Minerals Inventory and Geochemical Survey report. Minerals discussion in the DEIS were summarized from that report.

58. "Groom Mine Production"

Mr. Benezet states that the value of the 1950-1956 production from Groom Mine has a current dollar value of about $1.5 million. If the mine operators invested that money between 1950-1956 then the value of that investment is still presumably at that level. If the mining had occurred more recently, say the early 1980's the value of that production would have been even higher given the precious metal market price history.

59. "Public Comment Period"

The DEIS was filed with the EPA and mailed to the public on October 25, 1985. Three public hearings were conducted during the week of November 18, 1985, and the public comment period ran through December 30, 1985. This more than meets the requirements of the Council on Environmental Quality.

60. "Paving Kane Springs Road"

When the State of Nevada paved State Route 318 from near its junction with US 93 to US 6 the Las Vegas/Ely road mileage was reduced, but it resulted in a decrease of traffic through the communities of Caliente, Panaca and Pioche. These communities have suffered reportedly significant economic consequences from that shift.

If the Kane Springs road is paved, the Las Vegas/Ely mileage would be roughly equivalent via either SR318 or US 93. This could lead to a reduction of highway traffic through the communities of Alamo and Ash Springs.

The Air Force views these major economic questions as belonging properly to Lincoln County and the State of Nevada.

See also response 64.

61. "Proper Spelling of Rachel"

Your comment is noted. Thank you.

62. "Holding Corrals for Wild Horses"

The contract horse corrals are for the limited interim period during which time large numbers of excess horses are being removed from the public lands. After that time, maintenance removals will be such that the Palomino Valley Horse Corrals, north of Sparks, will be adequate to hold any excess horses and/or burros.

63. "Cost of Paving Rachel Road"

The estimates presented by the DEIS were based on discussions between DRI and Nevada Department of Highways engineering personnel. The $160,000 per mile

costs included 3-1/2" of road mix, grading, design, and engineering. If information is available that will significantly reduce those costs, either through the State or Lincoln County, Air Force will be available to discuss alternate recommendations.

See also response 18.

### 64. "Paving Kane Springs Road"

On Feb. 24, 1986 Air Force, BLM and contractor representatives met with State agency representatives to discuss road construction mitigation measures. The Rachel to NTS road is of primary interest.

See also response 60.

### 65. "Appraisal of Mining Claims"

Air Force legal personnel are working with mine owners or their legal representatives to determine who will perform the appraisals.

### 66. "Reintroduction of Bighorn Sheep"

Ms. Simkins' question is most properly referred to Nevada Department of Wildlife.

### 67. "Extent of Impacts"

The National Environmental Policy Act of 1969 will be adhered to.

### 68. "Safety Risk Prior to Withdrawal"

The Air Force did have reason to believe that members of the general public would be subject to safety risks if they entered the withdrawn area. If the withdrawal reverted to public land the general public would be exposed to the same safety risks they would have experienced prior to the withdrawal.

### 69. "Security Risk Prior to Withdrawal"

Yes, there was reason for the Air Force to believe that there was a risk to national security prior to the Air Force action and subsequent withdrawal. If the withdrawn lands revert to public land, the risk to the national security would be serious.

As Mr. John O. Rittenhouse, Deputy for installations Management, Deputy Assistant Secretary of the Air Force, stated before the Subcommittee on Public Lands and National Parks for the House of Representatives, on August 6, 1984, "....based on national security, access restrictions were placed on this area to prevent access by unauthorized visitors."

### 70. "Withdrawal Will Limit Livestock Grazing and Mining to Present Levels"

Grazing: see responses 9, 25, and 71.
Mining: see responses 9, 29, and 51.

### 71. "Value of Livestock Grazing"

The withdrawal area could support a larger amount of grazing use since the Naquinta Springs allotment has been retired through Air Force purchase, however, the impacts being examined involve current use. The income base multiplier for Lincoln County of $1.77 would properly be used with the annual income from livestock grazing of $2,141. This could result in an economic loss of $3,790 per year to Lincoln County, however, this loss would only occur if livestock grazing were eliminated. The present assumption is that livestock grazing will continue.

### 72. "Value of Recreation"

The estimates presented in the Draft EIS represent the present worth of the "consumer surplus" from both hunting and non-hunting recreation at present levels. If the hunting and non-hunting were to increase based on population projections for Clark and Lincoln Counties as described in Section 4.2.10 the projected use of the area by the year 2000 would be less than double the past use. If one applies the same analysis and uses the average value between recent past use and the estimated year 2000 level of use the present value of the loss would be approximately $71,000. The estimate of $500,000 potential loss provided by the Lincoln County Board of Commissioners would require a twenty-four fold increase in use over historical. The limited resources of the area for both hunting and non-hunting recreation would not support an increase of this magnitude.

See also responses 20, 21, and 22.

### 73. "Mineral Potentials"

Minerals discussion in the DEIS is a summary from the Groom Mountain Range Mineral Inventory and Geochemical Survey which was conducted as part of the environmental impact analysis process. Copies of that report were provided to the commission.

### 74. "Assessment of Property for Taxes"

There have been no apparent major changes to private property within the withdrawal area since the time access restrictions were imposed.

See also response 9.

75. "Purchase of Red Rock Lands"

The Santini-Burton Bill differs significantly from the Groom Range Withdrawal situation. In Santini-Burton, Federal lands are being sold into private ownership to fund the purchase of environmentally sensitive private lands in the Tahoe basin. The result is that ownership of Federal land shifts from the urbanized Las Vegas Valley to the Tahoe basin without a substantial outlay of Federal funds. To suggest that the Air Force purchase the Groom Range Withdrawal area in effect, means the U.S. Government would be purchasing land from itself to, in turn, finance the purchase of other lands.

Acquisition of the Summa lands near Red Rock Canyon Recreation Lands would be a very beneficial asset to the recreation area and to southern Nevada. However, strictly looking at this proposal as an equivalent, "in kind", mitigation of impacts created by the continued withdrawal shows it to be totally disparate in comparison. The recreation losses covered by the withdrawal total less than 200 visitor-days and $2500 value annually.

There is great disparity between loss and this mitigation, however, BLM will continue its long term efforts to effect acquisition of these lands through exchange.

76. "Reversion of Withdrawal Area"

The purpose and need for the withdrawal area will be periodically reviewed. When it is determined by the Secretary of the Air Force that the withdrawal area is no longer needed for the purpose for which it is being withdrawn, the area will be proposed for reversion to public land status.

77. "Future Environmental Impacts"

Should any future activities in the Groom Mountain Range lands be beyond the scope of those analyzed in this Environmental Impact Statement, the National Environmental Policy Act of 1969 will be adhered to.

78. "Withdrawal of Nevada Test Site"

The Air Force was not the proponent for the withdrawal of the Nevada Test Site (NTS), nor did the Air Force withdraw the NTS. This has nothing to do with the Groom Mountain Range withdrawal.

79. "Wilderness Consideration for Groom Mountain Range"

The area was inventoried for wilderness potential in 1979 and was found unsuitable for inclusion as a wilderness study area.

### 80. "Access to Groom Mine"

The purpose of the EIS is to discuss impacts of the withdrawal. Access to the Groom Mine, by the owners, has been an issue since the withdrawal action began and has been the focus of numerous media articles. Grazing and mining rights and the implied impact of livelihood denial have been discussed during the public scoping meetings and in written statements. The EIS process requires discussion of identified issues in the document and public meeting.

### 81. "Need and Location of Withdrawal"

The area in question is contiguous to the Nellis Range Complex and will provide the required buffer zone. Other areas do not meet the requirements criteria.

### 82. "Meaning of Subordination"

If claims are subordinated by the Air Force, the owners would continue to own the claims and receive monetary payment in exchange for the legal right to defer extraction of the minerals.

### 83. "Fair Value Lease of Groom Mine Claims"

If the market value of the mineral being mined is higher than the gross cost to extract, the lost opportunity to mine, due to a subordination lease, will be reimbursed. If the market value is less than the gross cost to extract, it is assumed mining would not take place.

### 84. "Valid Existing Rights"

Impact analysis was conducted on the basis that valid existing rights would be recognized.

See also response 9.

### 85. "Comment from Nevada Mining Association"

Neither the Nevada Mining Association nor Mr. Bob Warren provided public testimony or written comments.

### 86. "Access by Hired Miners"

The Air Force recognizes the valid existing rights clause in PL 98-485 and desires to work with those valid claim holders within the area to resolve any questions or concerns they may have.

## 87. "Archeological Study"

Dr. Pippin's study was performed as part of the environmental impact analysis process for the proposed renewed withdrawal. Thus, his findings and conclusions form an integral part of the DEIS and were presented in Sections 3.7 and 4.2.7 of the DEIS.

## 3.2 INDEX OF RESPONSES TO COMMENTS

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# 4.0 SUMMARY OF POTENTIAL MITIGATION MEASURES

In the DEIS the Air Force presented eighteen (18) potential mitigation measures that had been considered and evaluated during the EIS process. These mitigation measures had been suggested during "Scoping Meetings" held by the Air Force, by contractor personnel and others. After the DEIS was published, a great deal of comment was received during the formal public hearings and public comment period regarding these mitigation measures and other potential mitigation measures. The Air Force has seriously considered this public comment and re-evaluated each of the original mitigation measures and analyzed newly suggested mitigation measures. In PL 98-485, Section 2, Congress directed the Secretaries of Air Force and Interior to issue an Environmental Impact Statement that "...shall include a description of and recommendations concerning measures to mitigate the impact of such continued or renewed withdrawal on opportunities for outdoor recreation, mineral exploration and development, and agriculture in Nevada." After careful consideration and study of the suggested potential mitigation measures, the Air Force and BLM have categorized the potential mitigation measures as follows:

I. Recommended Mitigation Measures for which Air Force and/or BLM has Authority and/or Funding Appropriation;

II. Recommended Mitigation Measures for which neither Air Force nor BLM has Funding Authority; and

III. Potential Mitigation Measures not Recommended for Implementation.

The mitigation measures are summarized here according to these categories and with reference to the DEIS and the responses to public comments.

## 4.1 RECOMMENDED MITIGATION MEASURES FOR WHICH AIR FORCE AND/OR BLM HAVE NECESSARY AUTHORITY AND/OR FUNDING APPROPRIATION

**Potential Mitigation No. 1: Purchase of Waterers to Improve Wildlife Habitat in Proximity to Groom Mountain Range --** ( No.'s 5 and 6 in DEIS)

A distribution of 30 bird waterers and 10 big game waterers would be consistent with the observed wildlife resources and estimated potential hunter utilization on the Groom Range. The Air Force will make funds available to the Nevada Department of Wildlife for the purchase of the water storage tanks and collection aprons. The actual locations within Lincoln County and types of waterers installed will be left to the discretion of NDOW in consultation with other appropriate resource management agencies.

The Air Force and BLM believe that the above 40 waterers are an appropriate and reasonable mitigation for lost hunting opportunity. Ownership, installation, and maintenance responsibilities for these waterers will rest solely with NDOW.

- see response 15

● **To be implemented.**

**Potential Mitigation No. 2: Compensate Owners of Valid Patented and Unpatented Mining Claims** -- (No. 3 in DEIS)

If the market value of the mineral being mined is higher than the gross cost to extract, the lost opportunity to mine, due to a subordination lease, will be reimbursed. If the market value is less than the gross cost to extract, it is assumed mining would not take place.

If claims are subordinated by the Air Force, the owners would continue to own the claims and receive monetary payment in exchange for the legal right to defer extraction of the minerals.

- see responses 29, 40, 41, 51, 65, 73, 80, 82 and 83.

● **To be implemented.**

**Potential Mitigation No. 3: Open Additional Portions of Nellis Air Force Range to Controlled Hunts** -- (No. 4 in DEIS)

On the basis of a study on Nellis Air Force Range of game resources, in relationship to training and testing programs and security requirements, the Air Force has concluded that an additional 26 square miles on Stonewall Mountain can be opened for bighorn sheep hunting. This would be in conjunction with the existing 10 square mile area and occur during the same time frame.

- see response 10

● **To be implemented.**

**Potential Mitigation No. 4: Expand Nevada Dept. of Wildlife's, Wildlife Management Areas through Purchase or Exchange** -- (No. 8 in DEIS)

Purchase of private agricultural land to expand the Hiko, Sunnyside and Wayne Kirsch Wildlife Management Areas (WMA), would not be appropriate (see response 16). The Air Force and BLM recommend against such land purchases. However, at Sunnyside WMA, BLM administers adjacent land which would be well suited to the water-based wildlife management program at that area. BLM has expressed willingness to work with NDOW on the Sunnyside lands. At Hiko, the adjacent BLM administered lands are best suited to dry-land grazing and thus are not compatible to that water-based wildlife program.

- see response 16

● **To be implemented at Sunnyside WMA.**

**Potential Mitigation No. 5: Develop Groom Mountain Range Management Plan for Wildlife, Range and Cultural Resources** -- (No. 15 in DEIS)

Many aspects of the withdrawal area will require a continuing level of management to insure against adverse impacts. These include livestock grazing, wildlife, maintenance of water sources, control of range fires, and protection

of cultural resources. The Air Force will mitigate these impacts through an agreement with BLM to cooperatively plan for and manage the resources of the area.

- see response 24

- **To be implemented.**

**Potential Mitigation No. 6: Impact Evaluation of Perimeter Fence Construction --** (No. 17 in DEIS)

If a perimeter fence were to be constructed it would have an adverse impact to livestock grazing within the Bald Mountain Allotment. Available waters on the west portion of the allotment would be included within the fence, thereby leaving a significant portion of the allotment without available water. The Air Force, as part of fence construction, will mitigate this impact by making water available north and east of the perimeter fence through spring development and pipelines, and/or well(s) and pipelines.

Further, if a perimeter fence is constructed, a survey of archaeologic resources on the alignment would be conducted. Based on studies conducted for this EIS, the fence is not expected to adversely affect wildlife, vegetation, soils or water resources.

- see responses 25 and 77

- **To be implemented.**

## 4.2 RECOMMENDED MITIGATION MEASURES FOR WHICH NEITHER AIR FORCE NOR BLM HAS FUNDING AUTHORITY

**Potential Mitigation No. 7: Improve Access Road from Rachel into NTS --** (No. 12 in DEIS)

Maintenance of the 43 mile road from Rachel to the Nevada Test Site is the responsibility of Lincoln County for approximately 8 miles from Rachel to the boundary of the Nellis Bombing and Gunnery Range. The Air Force maintains the remaining 35 miles.

At the request of Governor Bryan, Air Force and BLM officials met with State representatives to discuss alternatives to the issue concerning paving the Rachel to NTS road. An upgraded Type II gravel road with proper drainage and maintenance for the length of the road from Rachel to the NTS Gate 700 junction is a recommended mitigation.

The Air Force will seek authorization and appropriation in fiscal year 1988 for funds to upgrade that part of the road on Nellis AF Range property and for a Defense Access Roads funding for the eight miles in Lincoln County.

- see response 18

- **To be implemented.**

## 4.3 POTENTIAL MITIGATION MEASURES NOT RECOMMENDED FOR IMPLEMENTATION

### Potential Mitigation No. 8: Rehabilitation of Kershaw-Ryan State Park
(not considered in DEIS)

This potential mitigation measure for lost recreational opportunities was not brought up during the public scoping meetings. According to an Assistant Administrator of Nevada Division of State Parks it would cost approximately $754,000 to reopen the park to public use.

As a potential mitigation measure, the Air Force believes that the costs for rehabilitation of Kershaw-Ryan are incommensurate to the loss of comparable recreational opportunities.

- see response 23

- **Not recommended for implementation.**

### Potential Mitigation No. 9: Compensate D/4 Enterprises for Possible Impact to Market Value of the Bald Mountain Allotment -- (No. 1 in DEIS)

The Air Force could agree to guarantee access to potential purchasers of the Bald Mountain Allotment or develop an agreement with the owners of D/4 Enterprises specifying the terms under which compensation might be made if there is a loss in market value should the cattle operation be put up for sale. Alternatively the Air Force could consider out-right purchase of the allotment with subsequent lease-back to the current owners. It is recommended that no action be taken on this unless a problem develops and can be evaluated under circumstances existing at that time.

- see responses 25 and 71

- **Not recommended for implementation.**

### Potential Mitigation No. 10: Open Other Military Withdrawals to Minerals Exploration and Development -- (No. 2 in DEIS)

The possibility of making other lands in Nevada, which have been withdrawn for military purposes, available for mineral exploration in lieu of the lands lost to exploration in the Groom Mountain Range was investigated. This land trade could not be done on a value-for-value basis since exploration potential is speculative in any area. Other DOD lands within Nevada include Nellis AFB, Nellis AF Range, U.S. Army Ammunition Depot at Hawthorne, U.S. Navy Bombing Target Areas in Churchill County, and portions of the Wendover AFAF and Range. With the possible exceptions of Nellis AFB, Wendover AFAF, and all but one of the Navy Bombing Target Areas, each of the listed DOD properties has a history of mineral exploration or production.

In reality, however, few, if any, of these areas could be considered for a potential trade. Many areas within the Nellis AF Range could not be considered due to security considerations. Other areas are active bombing ranges and public safety could not be assured and still maintain the military usage.

Analysis of the locations of areas potentially attractive for minerals exploration and development, together with locations of on-going military training and testing programs, indicates that it would not be possible to open any portion of Nellis AF Range without seriously compromising national defense programs. Cognizant authorities at the other military withdrawals have indicated that because of public safety and program considerations there are no lands suitable for release (See Federal Agency Comment Letters).

The Hawthorne Army Ammunition Depot land withdrawal is scheduled for review within the coming year by BLM. The area will be analyzed to determine if the withdrawal should be extended in part or in whole. Lands not needed for Depot operation would be returned to Public Lands status. Mount Grant, an area similar to Groom Mountain Range, is solely within the Depot withdrawal.

- **Not recommended for implementation**

**Potential Mitigation No. 11: Mule Deer Habitat Improvement in Adjacent Lincoln County Ranges --** (No. 7 in DEIS)

To compensate for loss of mule deer hunting it may be possible to increase herd sizes and stability through range manipulation in near-by areas. BLM consulted NDOW regarding this mitigation. On the basis of this consultation the Air Force and BLM have concluded that the costs for such a program would not be commensurate with the level of impacts created by the withdrawal and also with the benefits to be derived.

- **Not recommended for implementation.**

**Potential Mitigation No. 12: Establish Gene-Pool Herd of Bighorn Sheep on the Groom Mountain Range --** (No. 9 in DEIS)

Any reintroduction of desert bighorn sheep would necessitate follow-up personnel. Purpose of the withdrawal is to establish a secure buffer zone and any follow-up personnel and activities would be unacceptable to the Air Force.

- see responses 9 and 66

- **Not recommended for implementation.**

**Potential Mitigation No. 13: Establish Controlled Hunts for Deer and Birds on the Groom Mountain Range --** (No. 10 in DEIS)

Purpose of the withdrawal is to establish a secure buffer zone for military activities. Any entry to the area will compromise this purpose and is therefore unacceptable to the Air Force.

- see response 9

- **Not recommended for implementation.**

**Potential Mitigation No. 14: Purchase Adjacent Private Land to Expand Red Rock Canyon Recreation Lands in Clark County** -- (No. 11 in DEIS)

The Santini-Burton Bill differs significantly from the Groom Range Withdrawal situation. In Santini-Burton, Federal lands are being sold into private ownership to fund the purchase of environmentally sensitive private lands in the Tahoe basin. The result is that ownership of Federal land shifts from the urbanized Las Vegas Valley to the Tahoe basin without a substantial outlay of Federal funds. To suggest that the Air Force purchase the Groom Range Withdrawal area in effect, means the U.S. Government would be purchasing land from itself to, in turn, finance the purchase of other lands.

The estimates given in Section 4.3.4 of the DEIS, ranging from $4,000,000 to $25,000,000 are based upon the total acreage purchased. The lowest cost represents the estimated cost of only the priority 1 acreage, 625 acres. The $25,000,000 cost represents the estimated cost for the entire 4,968 acres.

There is great disparity between loss of recreation opportunities and this mitigation, however, BLM will continue its long term efforts to effect acquisition of these lands through exchange.

- see responses 45 and 75

● **Not recommended for implementation.**

**Potential Mitigation No. 15: Complete the Paving of Kane Springs Road --** (No. 14 in DEIS)

When the State of Nevada paved State Route 318 from near its junction with US 93 to US 6 the Las Vegas/Ely road mileage was reduced, but it resulted in a decrease of traffic through the communities of Caliente, Panaca and Pioche. These communities have suffered reportedly significant economic consequences from that shift.

If the Kane Springs road is paved, the Las Vegas/Ely mileage would be roughly equivalent via either SR318 or US 93. This could lead to a reduction of highway traffic through the communities of Alamo and Ash Springs.

The Air Force and BLM view these major economic questions as belonging properly to Lincoln County and the State of Nevada.

- see responses 60 and 64

● **Not recommended for implementation.**

**Potential Mitigation No. 16: Locate Wild Horse and Burro Corrals in Lincoln County --** (No. 14 in DEIS)

Approximately 1500 wild horses and burros were recently removed from the Wild Horse and Burro Range located on the Nellis AF Range and transported to BLM's permanent handling facility in Washoe County. Additional excess animals need to be removed from Nellis AF Range over the next two years.

While Air Force and BLM believe that it is desirable to mitigate the potential economic adverse impacts to Lincoln County, existing permanent facilities in other parts of the state and the temporary nature of the excess horse problem make this mitigation measure unworkable.

- see response 62

- **Not recommended for implementation.**

### Potential Mitigation No. 17: Transfer of BLM Land in Clark County for a Veterans Cemetery -- (No. 16 in DEIS)

A Southern Nevada Veteran's Cemetery is not an acceptable mitigation for this action. According to the Clark County Public Works Department the area that has been proposed is subject to severe flooding and should be used for flood protection. In BLM conversations with the local Veteran's Administration, the VA expressed no interest in this possible mitigation. Further, it is not related to the withdrawal.

- **Not recommended for implementation.**

### Potential Mitigation No. 18: Controlled Access for Scientific Studies and Research -- (No. 18 in DEIS)

The Groom Mountain Range offers opportunity to conduct archaeologic and ecologic research that may be unique. It has been suggested that controlled access be given for such studies. However, this access would compromise the secure buffer zone purpose for which the renewed withdrawal is sought.

- see response 9

- **Not recommended for implementation.**

## 5.0 CORRECTIONS TO THE DEIS

Any document the size and complexity of the DEIS is bound to contain typographical, spelling and punctuation errors that are missed in the editing and review process. However, most of these types of errors do not affect either the meaning or clarity of the document. No attempt is made in this errata to correct those errors. Only those corrections are made which are necessary to assure meaning, clarity and factual accuracy, including correct spelling of proper names. Corrections are listed by page number, paragraph and line number. Paragraph numbering commences with the top paragraph, whether full or partial.

1. pg ii; P5; L6
   *Spelling*: "Stonewall"

2. pg iii; P3; L3
   *Clarity*: After "gene pool herd" insert "of big horn sheep" and continue to end of sentence.

3. pg iii; P6; L9
   *Clarity*: The term "public" is too broad. Access is restricted to Nevada Test Site Workers.

4. pg 1-2; Figure 1.1
   *Spelling*: "Rachel" not Rachael

5. pg 1-6; P5; L9
   *Spelling*: "being" not "bing"

6. pg 2-3; P2; L9
   *Accuracy*: After the words "would be impacted" and before the end of the sentence insert "beyond the historical and current hazards from grazing".

7. pg 3-16; P1; L3
   *Spelling*: capitalize "Russian"

8. pg 3-17; P5; L2 and L6
   *Spelling*: L2 - "Mahogany"
   L6 - "buck brush"

9. pgs 3-18 thru 3-21
   *Accuracy*: Subsequent to preparation of the DEIS a workshop held 9/18/85 by the Northern Nevada Native Plant Society reclassified the status of several plant species found, or expected to be found; on the Groom Mountain Range Withdrawal. The species reclassified and their current status are as follows:

| Species | Status |
|---|---|
| *Coryphantha vivipara* var. *rosea* | 3C/watch |
| *Machaeranthera grindelioides* var. *depressa* | 3C/other rare |
| *Polygala subspinosa* var. *heterorhynca* | 3C/other rare |
| *Astragalus beatleyae* | 1/watch |
| *Sclerocactus polyancistrus* | 3C/watch |

10. pg 3-19; Table 3.7
Accuracy: Definitions for status 1 and status 2 are reversed. They should read:

"1 - indicates taxa for which enough information is on hand to support listing as a threatened or endangered species
2 - indicates taxa for which more information is needed"

Also, changes as noted in 9.

11. pg 3-21; P8; L7
Spelling: "Gopherus" not "Gapherus"

12. pg 3-32; Figure 3.7
Accuracy: The Boondock Lode claim was not shown on this Figure. The approximate location is shown on Figure 3.7-revised. (see comment No. 67 and response 39)

13. pg 4-9; P4; L8
Accuracy: The term "grazing rights" should be changed to "grazing privileges" since no "right" is established. (see comment No. 54 and response 32)

14. pg 4-9; P5; L5
Clarity: The second sentence is incomplete. Line 5 should read as follows "Unit Month (AUM), then the difference between this $4 amount and the $1.35..."

15. pg 4-15 and 4-16; Section 4.3.4
Accuracy: The area referred to in this section is properly called "Red Rock Canyon Recreation Lands".

16. pg 4-17 and pg 4-18;
Accuracy: A value of 39 miles was used for the length of the road from Rachel to NTS Gate 700. The actual distance is 43 miles (8 miles from Rachel to the NAFR boundary plus 35 miles from the NAFR boundary to NTS Gate 700). This 4 mile difference results in some minor differences in calculations of commute time and economics. However, the basic conclusions remain unchanged. The following corrections are in order.

a) pg 4-17, replace P2 and P3 with the following:

To evaluate the worth of paving the road between Rachel and NTS to Lincoln County residents now working at NTS two approaches may be taken. The first is to evaluate the direct savings in terms of commute costs and time if the commute frequency were unchanged. From the telephone survey it was estimated that sixty of the sixty-eight employees working at NTS from Lincoln County made a weekly commute. The remaining eight currently traveled the unpaved road on a more frequent basis. If those sixty were to use the Rachel road, they would save approximately 150 miles per round trip over going via Las Vegas per week per person and approximately two hours and forty-five minutes per round trip. Valued at $0.25/mile the annual commute

savings would be $108,000 and 7,920 hours based on a 48 week year. A daily commute using the Rachel to NTS road would increase the mileage from approximately 400 miles/week to 1,190 miles/week. The added time spent commuting would be approximately 14 hours/week. In terms of total cost incurred at $0.25/mile this would be $570,000 and 40,320 hours per year.

Both of these figures are maximum values based upon each employee making the commute in their own vehicle. However, due to car pooling it is believed that these figures would be substantially less, possibly only 40 percent of those values. Therefore the annual savings based on weekly commuting would be approximately $43,000 with a present value of $720,000 using 6 percent interest rate. The increased incurred cost for daily commute, i.e., worth to Lincoln County residents, would be $228,000/year with a present value of $3,800,000.

b) pg 4-18, replace P3 with the following:

If the road were to be paved it would require two twelve foot lanes with two foot shoulders resulting in a twenty-eight foot road bed over the 43 mile length of the road. To do this job with an asphalt road mix the Nevada Department of Transportation estimates the cost would be approximately $160,000 a mile or a total cost of $6,880,000. If the job were to be done with gravel the total cost would be about $2,580,000 and for $13,900,000 the road could be paved to a secondary highway standards. Additional construction costs for culverts and other crossings of ephemerical channels would have to be added to the paving costs. These additional costs cannot be estimated at this time. These costs should be compared with the maximum derived benefit of the road. The mitigation measure is not recommended for implementation.

17. pg 4-18; P4; L1
Clarity: At the beginning of this sentence insert "Paving" such that the sentence reads "Paving the Kane Springs Road..."

18. pg 6-4; Lines 8, 21, and 30
Spelling: line 8 - "cooperative"
line 21 - "Audubon"
line 30 - "speleological"

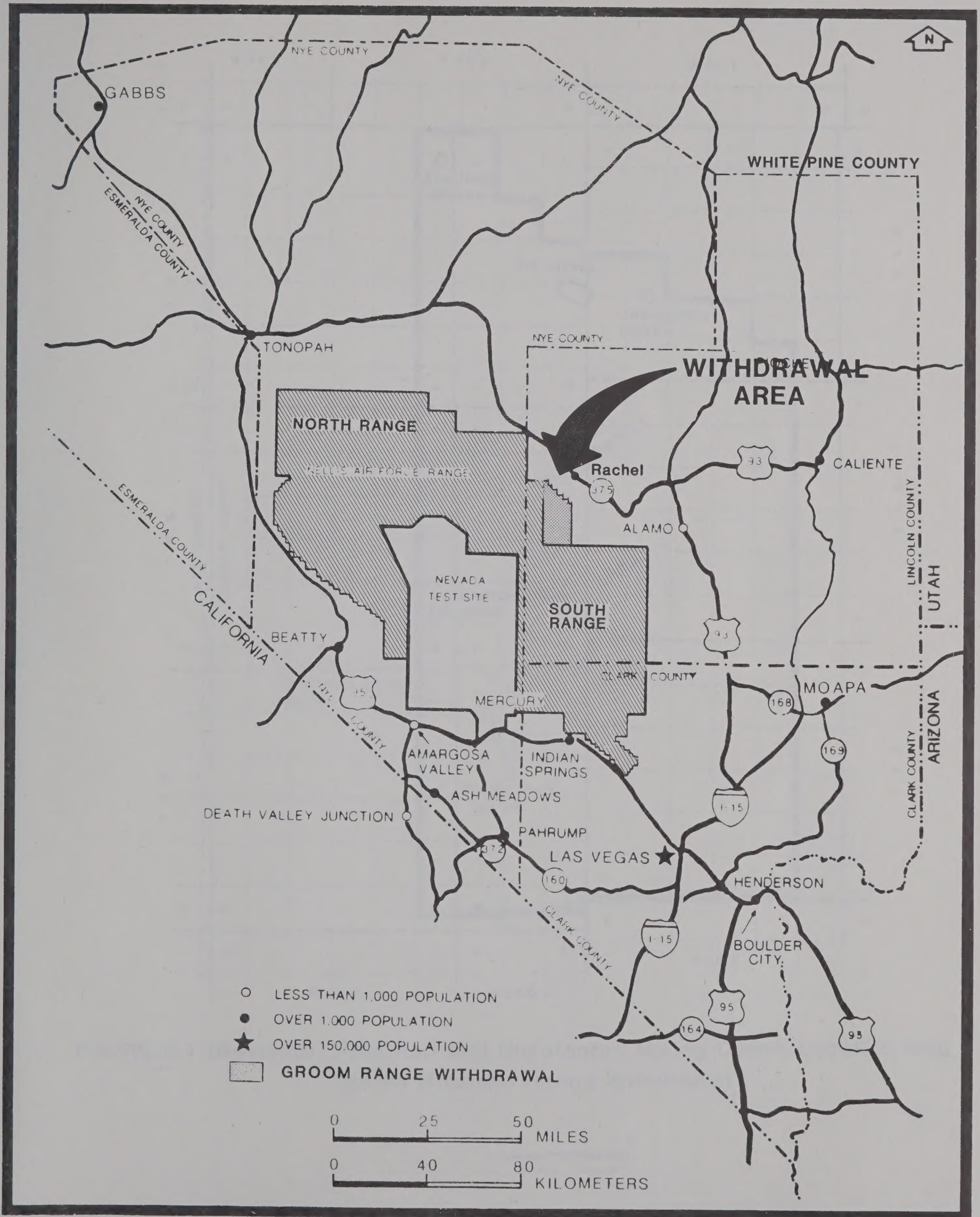
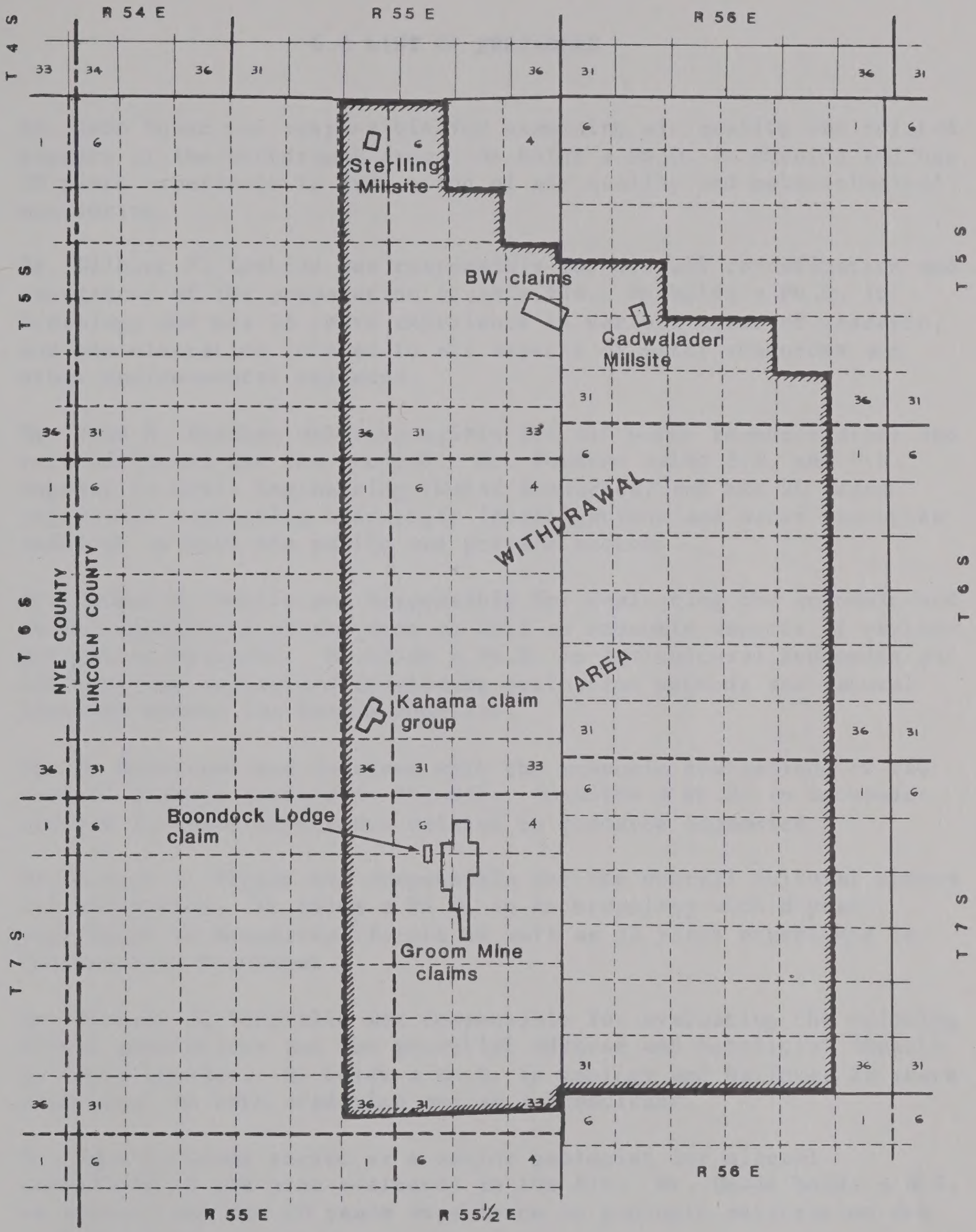
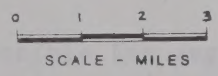


**FIGURE 1.1 (Revised) Generalized Location Map – Groom Mountain Range Withdrawal**



FGURE 3.7 (Revised) Patented and Unpatented Mining Claims Location Map Groom Mountain Range Withdrawal



# 6.0 LIST OF PREPARERS

Dr. John Bowen was responsible for examining air quality and related aspects of the withdrawal area. He holds a Ph.D. in Physics and has 20 years experience in evaluation of air quality and meteorological monitoring.

Dr. Gilbert F. Cochran was responsible for overall co-ordination and management of the preparation of this EIS. He holds a Ph.D. in Hydrology and has 18 years experience in various areas of research, and administration related to all aspects of water resources and other environmental concerns.

Mr. John W. Fordham was responsible for all water resource areas and related issues for the project. Mr. Fordham holds B.S. and M.S. degrees in Civil Engineering (Water Resources) and has 20 years experience conducting hydrologic investigations and water resources research in both the public and private sectors.

Dr. Thomas R. Harris was responsible for evaluating the economic and social conditions of the area as well as economic aspects of various mitigation measures. He holds a Ph.D. in Agricultural Economics and his work has emphasized developing evaluation methods and natural resource models for Nevada counties.

Dr. R. Narayanan was involved with the economic evaluations of the several aspects covered in the EIS. He holds a Ph.D. in economics and has 10 years experience related to resource economics.

Dr. Lonnie C. Pippin was responsible for the overall cultural survey and evaluation. He holds a Ph.D. in Anthropology with 8 years experience in Nevada-California as well as 12 years experience in the American Southwest.

Dr. Michael J. Pontrelli was responsible for evaluating the existing animal populations and the potential adverse and beneficial impacts to these species. He holds a Ph.D. in zoology and has over 20 years experience in both academics and as a consultant.

Mr. Jack G. Quade served as a senior geologist for mineral assessment of the area evaluated in the EIS. Mr. Quade holds a M.S. in Geology and has 20 years experience in geologic exploration and evaluation of mineral resources.

Mr. Ronald L. Reno served as supervisory archaeologist for all cultural fieldwork and as historic consultant for the project. He has a M.A. degree in History and is an archaeologist/historian with 18 years experience in Nevada.

Dr. Stanley D. Smith was responsible for vegetation analysis and identification of rare and/or endangered species in the withdrawal area. He holds a Ph.D. in biology and plant physiology and has 8 years experience working with Great Basin and desert vegetation.

Mr. Joseph V. Tingley served as an economic geologist to evaluate the mineral resources of the withdrawal area. Mr. Tingley is a registered Mining Engineer in Nevada and a Registered Geologist in California and has 25 years as an exploration geologist.

Dr. Paul T. Tueller was responsible for evaluating the range ecology and grazing impacts for the area. He holds a Ph.D. in range ecology and has over 21 years of field experience with natural resoure sampling problems.

# 7.0 DISTRIBUTION LIST FOR THE FINAL ENVIRONMENTAL IMPACT STATEMENT

Air Force Regional Civil Engineer
Attention: Mr. Lammi
630 Sansome Street
San Francisco, California 84111

Dr. Ronald Anderson
3267 Susileen
Reno, Nevada 89509

Mr. Gail Armstrong
Lincoln County Commissioner
Box 526
Panaca, Nevada 89042

Audubon Society
Red Rock Chapter
P. O. Box 42944
Las Vegas, Nevada 89116

Garland Ballentine
P. O. Box 436
Alamo, Nevada 89001

Mr. John Ballow
P. O. Box 265
Caliente, Nevada 89008

Mr. Walter Barbuck
4050 Palos Verdes Street
Las Vegas, Nevada 89119

Ms. Ann Marie Barragato
4217 San Angelo Avenue
Las Vegas, Nevada 89102

Mr. Kraig Beckstrand
P. O. Box 237
Panaca, Nevada 89042

Mr. Louis Benezet
Prince Mine
Pioche, Nevada 89043

Mr. David and Ms. Jackie Bennett
P. O. Box 417
Alamo, Nevada 89001

Ms. Janet Benton
% Aerojet General Corporation
330 South Third Street
Suite 603
Las Vegas, Nevada 89103

Maj William D. Benton
HQ AFESC/JA
Tyndall AFB FL 32403

Mr. Cory E. Bodman
P. O. Box 725
Caliente, Nevada 89008

Mr. Howard Booth
3370 Frontier Street
Las Vegas, Nevada 89102

Ms. Myram Borders
P. O. Box 1088
Las Vegas, Nevada 89125

Boulder City Library
539 California Street
Boulder City, Nevada 89005

Ms. Anita Bowen
3966 Sagewood Street
Las Vegas, Nevada 89117

C. W. Bowser
P. O. Box 22
Boulder City, Nevada 89005

Governor Richard Bryan
State of Nevada
State Capitol Building
Carson City, Nevada 89710

Suzzane D. Bucy
811 Denver Center Building
Denver, Colorado 80203

Ms. Cristi Bulloch
% Senator Paul Laxalt
300 Las Vegas Boulevard South, Suite 410
Las Vegas, Nevada 89101

Lt Col Jerry Bussell
250 North Eastern Avenue
Las Vegas, Nevada 89101

Caliente City Council
City Hall
Caliente, Nevada 89008

Caliente Police Department
Attention: Leland Lesicka
Caliente, Nevada 89008

S. G. Canning
P. O. Box 381
Alamo, Nevada 89001

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Cedar City, Utah 84720

Central Nevada Development Authority
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P. O. Box 2330
Hawthorne, Nevada 89145

Central Nevada Development Authority
Attention: Rick Hard, Chairman
P. O. Drawer 3790
Tonopah, Nevada 89049

Charleston Heights Library
800 Brush Street
Las Vegas, Nevada 89107

Ms. Mary Louise Christian
P. O. Box 508
Pioche, Nevada 89043

Mr. John W. Christian
25 Main Street
Pioche, Nevada 89043

Ms. Cheri Cinkoske
816 Lillis
North Las Vegas, Nevada 89030

Citizen Alert
Attn: Mr. Bill Fulkerson
P. O. Box 5391
Reno, Nevada 89513

Citizen Alert
Attn: Ms. Judy Treichel
4555 Balsam Street
Las Vegas, Nevada 89108

Citizen Alert
Attn: Mr. Bill Vincent
P. O. Box 1681
Las Vegas, Nevada 89125

Clark County Community College
Learning Resource Center
3200 East Cheyenne Avenue
North Las Vegas, Nevada 89030

Clark County Library
1401 East Flamingo Road
Las Vegas, Nevada 89109

Cooperative Extension Service
Attention: Darwin Bradfield
P. O. Box 68
Caliente, Nevada 89008

Mr. Richard A. and Mrs. Joan Cowan
4854 Tiffany Way
Fair Oaks, California 95628

Ms. Linda Crook
5019 Mesa View Drive
Las Vegas, Nevada 89120

Mr. Charles W. Crunden
Nevada Department of Wildlife
State Mail Road
Las Vegas, Nevada 89107

Mr. Harold Curry
5864 North Torrey Pines Drive
Las Vegas, Nevada 89130

Mr. Morley E. and Mrs. Rose A. Davis
820 Front Street
Caliente, Nevada 89008

Mr. Ralph L. Denton
626 South 7th Street
Las Vegas, Nevada 89001

Ms. Sara Denton
1260 Denver Street
Boulder City, Nevada 89005

Director, Environmental Project Review
Room 4239
Department of the Interior
Washington, DC. 20240

Division of Historic Preservation and
Attention: Alice M. Becker
Department of Conservation & Natural R
201 South Fall Street
Carson City, Nevada 89710

Division of State Parks
Room 119, Nye Building
201 South Fall Street
Capitol Complex
Carson City, Nevada 89710

Ms. Sandra Dulgar
Lincoln County Admin Assist
P. O. Box 329
Pioche, Nevada 89043

D/4 Enterprises, Inc.
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Alamo, Nevada 89001

A. R. Eckley
250 Westchester
Las Vegas, Nevada 89109

Mr. Ken Ellsworth
1717 South 15th Street
Las Vegas, Nevada 89104

Ms. Louise Ellsworth
Regional Assistant
Senator Paul Laxalt
300 Las Vegas Boulevard South, Suite 410
Las Vegas, Nevada 89101

Ely Valley Mining Company
P. O. Box 36
Pioche, Nevada 89043

Joe B. Fallini Jr. and Susan L. Fallini
Twin Springs
Tonopah, Nevada 89049

Fish and Wildlife Service
4600 Kietzke Lane, Building C
Reno, Nevada 89502

Mr. H. Paul Friesema, Professor
Center for Urban Affairs and Policy Rese
Northwestern University
2040 Sheridan Road
Evanston, Illinois 60201

Mr. Doug Fuller
4217 San Angelo Avenue
Las Vegas, Nevada 89102

Ms. Christy Geldbach
% Congressman Barbara Vucanovich
P. O. Box A
North Las Vegas, Nevada 89030

Mr. Gene L. Gerdes
President
Nevada Trappers Association
2775 Lone Tree Road
Fallon, Nevada 89406

Mr. Oran K. Gragson
Regional Assistant
Senator Chic Hecht
3700 Apache Lane
Las Vegas, Nevada 89107

Mr. Edward R. Gray
330 South Third Street
Las Vegas, Nevada 89101

Mr. Ronald A. Green
P. O. Box 384
Alamo, Nevada 89001

Mr. David Grimes
2610 Vivian Street
Lakewood, Colorado 80215

Great Basin Grotto
Attention: Mr. Alvin McLane
P. O. Box 13798
Reno, Nevada 89507

Mr. Bob Hallock
USFWS
4600 Kietzke, Building C
Reno, Nevada 89502

Mr. R. L. Haslem
Box 288
Hiko, Nevada 89017

Mr. George A. Hemrick
P. O. Box 294
Alamo, Nevada 89001

Henderson Library
Henderson, Nevada 89015

Mr. Vaughn Higbee
Agricultural Extension Agent
Box 303
Alamo, Nevada 89001

Mr. Robert E. High
P. O. Box 194
Alamo, Nevada 89001

Mr. David G. Hilstrom
P. O. Box 358
Alamo, Nevada 89001

Mr. Kenneth W. Hosier
Box 484
Alamo, Nevada 89001

Lt Col L. R. Hourcle
Air University Cadre/R/A
Bldg 1400
Maxwell AFB AL 36112-5532

Keer-McGee Resources Corporation
Keer-McGee Center
Oklahoma City, Oklahoma 73125

Mr. Dan Keller
Box 402
Caliente, Nevada 89008

Mr. Carl Kelly
Box 162
Alamo, Nevada 89001

Ms. Rosemary Kilpatrick
6633 Wheelbarrow Peak Drive
Las Vegas, Nevada 89108

Mr. Douglas Lamoreax
Box 38
Hiko, Nevada 89017

Mr. Brad Langner
306 Katherine Way
Auburn, California 95603

Las Vegas Public Library
1726 East Charleston Boulevard
Las Vegas, Nevada 89104

Mr. John Leitch
President
Nevada Wildlife Federation
820 East Sahara Avenue
Las Vegas, Nevada 89104

J. J. Lesicka and D. E. Lesicka
P. O. Box 102
Caliente, Nevada 89008

Lincoln County Commissioners
Lincoln County Courthouse
P. O. Box 329
Pioche, Nevada 89043

Lincoln County Conservation District
Attention: Keith Whipple, Chairman
P. O. Box 457
Caliente, Nevada 89008

Lincoln County Conservation District
P. O. Box 459
Pioche, Nevada 89043

Lincoln County Game Management
Attention: R. Donahur, Chairman
P. O. Box 457
Caliente, Nevada 89008

Lincoln County Library
Caliente Branch
Box 306
Caliente, Nevada 89008

Lincoln County Library
Box 428
Pioche, Nevada 89043

Lincoln County Power District #1
SR 89063 Box 101
Pioche, Nevada 89043

Lincoln County Record
1001 Ranch
Caliente, Nevada 89008

Lincoln County Road Department
P. O. Box 32
Caliente, Nevada 89008

Lincoln County Sheriff
County Courthouse
Pioche, Nevada 89043

Mr. Richard W. Lum
7360 West 74th Street
Alunon, Colorado 80003

Mr. Vance MacDonald
1818 South Eastern Avenue
Las Vegas, Nevada 89104

Ms. Barbara F. Manning
677 Burton Street
Henderson, Nevada 89015

Ms. Mary Manning
Las Vegas SUN, Inc
121 South Highland Drive
Las Vegas, Nevada 89127

Mr. Larry Matheir
5276 Rambling Road
Las Vegas, Nevada 89120

Mr. Jim Mayberry
6500 West Charleston Boulevard #298
Las Vegas, Nevada 89102

Mr. Grant A. McGlive
P. O. Box 454
Alamo, Nevada 89001

Steve and Glenda Medlin
SR Box 80
Alamo, Nevaa 89001

D. F. Miller
3102 West 28th
Amarillo, Texas 79109

Minerals Exploration Coalition
Mr. John D. Wells, President
12640 West Cedar Drive
P. O. Box 15638
Denver, Colorado 80215

Mr. Darwin Morgan
KVBC-TV3
1500 Foremaster Lane
Las Vegas, Nevada 89101

Elwood Mose
Executive Director
Indian Commission
State of Nevada
472 Galletti Way
Sparks, Nevada 89431

Mr. Robert G. Mosley
P. O. Box 433
Alamo, Nevada 89001

Museum of Natural History
Attention: Dr. Kevin Rafferty
Division of Anthropological Studies
University of Nevada
Las Vegas, Nevada 89109

Natural Resources Defense Council
25 Kearny
San Francisco, California 94108

Nature Conservancy
785 Market Street, 3rd Floor
San Francisco, California 94103

Mr. Leland E. Nelson
P. O. Box 163
Alamo, Nevada 89001

Nevada Association of Counties
Attention: Mr. Lee Maxey, Project Manager
308 North Curry Street, Suite 205
Carson City, Nevada 89701

Nevada Bureau of Mines and Geology
University of Nevada Reno
Reno, Nevada 89557

Nevada Cattlemen's Association
Mr. Wayne S. Marteny, President
9 Railroad Street
Elko, Nevada 89801

Nevada Department of Agriculture
P. O. Box 11100
Reno, Nevada 89510-1100

Nevada Department of Minerals
Richard Reyburn, Director
400 West King Stret, Suite 106
Carson City, Nevada 89710

Nevada Department of Transportation
P. O. Box 170
Las Vegas, Nevada 89101

Nevada Department of Wildlife
Region III
State Mail Room Complex
Las Vegas, Nevada 89158

Nevada Department of Wildlife
1100 Valley Road
P. O. Box 10678
Reno, Nevada 89520-0022

Nevada Department of Wildlife
Attention: Mr. John Donaldson
State Mail Room Complex
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Nevada Department of Wildlife
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State Mail Room Complex
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Attention: Mr. Kraig M. Beckstrand
P. O. Box 303
Panaca, Nevada 89042

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Las Vegas, Nevada 89158

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District #4
East Ely, Nevada 89315

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Reno, Nevada 89505

Nevada Public Land Users Association
2375 Star Route 70
Las Vegas, Nevada 89101

Nevada State Department of Agriculture
Attention: Mr. Thomas E. Smigel
State Mail Room Complex
Las Vegas, Nevada 89108

Nevada State Division of Agriculture
P. O. Box 11100
Reno, Nevada 89510

Nevada State Highway Department
1263 South Stewart Street
Carson City, Nevada 89701

Nevada State Highway Patrol
2281 Autumn
Ely, Nevada 89301

Nevada State Historical Society
Attention: Peter L. Bandurraga, Director
1650 North Virginia
Reno, Nevada 89557

Nevada State Library
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501 North Division Street
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600 North Carson Street
Carson City, Nevada 89710

Mr. Allen Newberry
Box 525
Panaca, Nevada 89042

North Las Vegas Library
2300 Civic Center Drive
North Las Vegas, Nevada 89030

Northern Nevada Native Plant Society
Attention: Ms. Ann Pinzl
Curator of Natural History
Nevada State Museum
Carson City, Nevada 89710

Mr. William O'Donnell
P. O. Box 545
Caliente, Nevada 89008

Ms. Becky Parr
5303 Stampa Avenue
Las Vegas, Nevada 89102

People's Animal Welfare Society
P. O. Box 127, Station D
Scareborough, Ontario
MIR 4Y7

Ms. Sylvia Pierce
Alamo, Nevada 89001

Prince Consolidated Mixing and Smelting Co
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Mr. & Mrs. Roscoe Poland
3924 Hughes Court
San Diego, California 92115

Congressman Harry Reid
420 Foley Federal Bldg and Courthouse
300 Las Vegas Boulevard South
Las Vegas, Nevada 89101

Kathy Reinburg
Society of American Archaeology
200 P Street, N.W.
Suite 305
Washington, D.C. 20036

Ace Robison
SR323A
Russell Building
Washington, D. C. 20510

Mr. Theodore H. Roemer
4130 Jay Street
Wheat Ridge, Colorado 80033

Mayor George T. Rowe
P. O. Box 63
Caliente, Nevada 89008

Mr. Steve R. Rowe
Box 302
Caliente, Nevada 89008

Mr. Burt Rudder
P. O. Box 432
Alamo, Nevada 89001

SAC/DEPVQ
Attention: Ms. Gloria Hagge
Offutt AFB NB 68113

M. J. Sanchez
2615 South Mission
Tucson, Arizona 85713

Mr. Bill Sanders
P. O. Box 746
Alamo, Nevada 89001

Mr. Jerome F. Sears
P. O. Box 275
Pioche, Nevada 89043

Mr. Thomas O. Sears
P. O. Box 71
Pioche, Nevada 89043

Avis and Pat Sheahan
312 Country Club Drive
Henderson, Nevada 89015

Mr. Benjamin E. Sheahan
540 Federal
Henderson, Nevada 89015

Mr. Dan Sheahan
2460 East Flamingo Road
Las Vegas, Nevada 89109

Mr. Daniel R. and Mary F. Sheahan
101 Constitution Avenue
Henderson, Nevada 89015

Mr. Danny Sheahan
656 Burton
Henderson, Nevada 89015

Ms. Jackie Sheahan
540 Federal
Henderson, Nevada 89015

Ms. Martha Sheahan
127 Ivy
Henderson, Nevada 89015

Mr. Joe Sheahan
312 East Country Club Drive
Henderson, Nevada 89015

Sierra Club Chairman
P. O. Box 19777
Las Vegas, Nevada 89132

Sierra Club
Attention: Mr. Vernon Bostick
5805 Churchill Avenue
Las Vegas, Nevada 89107

Sierra Club
Attention: Ms. Rose Strickland
Toiyabe Chapter
P. O. Box 8096
University Station
Reno, Nevada 89507

Ms. Connie Simkins
Box 333
Panaca, Nevada 89042

Mr. Devora Smallwood
P. O. Box 479
Alamo, Nevada 89001

Mr. Bill Smith
4050 Palos Verdes Street #12
Las Vegas, Nevada 89119

Mr. Bill Smith
2410 Doherty Way
Henderson, Nevada 89015

Commissioner Lenard D. Smith
Box 443
Caliente, Nevada 89008

Mr. Mark Smith
2301 East Sahara Avenue
Las Vegas, Nevada 89115

Soil Conservation Service
P. O. Box 8
Caliente, Nevada 89008

Mr. George Solomon
4509 Sun Vista Drive
Las Vegas, Nevada 89104

South Nevada Environmental Forum
705 Mallard Avenue
Las Vegas, Nevada 89104

Ms. Lillie Spencer
P. O. Box 403
Alamo, Nevada 89001

Mr. Warden C. Spencer
Box 241
Alamo, Nevada 89001

Mr. Richard Spotts
California Representative
Defenders of Wildlife
5604 Rosedale Way
Sacramento, California 95822

State Conservation Commission
Attention: Ms. Pam Wilcox
201 South Fall Street
Carson City, Nevada 89107

Mr. Charles L. Stewart
P. O. Box 522
Alamo, Nevada 89001

St. George Public Library
55 West Tabernacle
St. George, Utah 84770

Mr. Dan L. Stoddard
Box 351
Alamo, Nevada 89001

Summa Corporation
Attention: Mr. John Goolsby
P. O. Box 14000
Las Vegas, Nevada 89156

E. P. Swerdfeger
844 - 15th
Boulder, Colorado 80302

R. M. Swerdfeger
204 Country Club Park
Grand Junction, Colorado 81503

Ms. Karen Swirsky
1682 Kenneth Drive
Santa Ana, California 92705

Mr. Zolan Tanner
2221 Rigney Lane
Las Vegas, Nevada 89115

Mr. Bob Taylor
6609 Bills Way
Las Vegas, Nevada 89107

Ms. Tracie L. Thayer
P. O. Box 294
Alamo, Nevada 89001

Umetco Minerals Corporation
Emerson Mine
P. O. Box 307
Alamo, Nevada 89001

United States Environmental Protection Ag
Region IX
215 Fremont Street
San Francisco, California 94105

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4505 Maryland Parkway
Las Vegas, Nevada 89154

University of Nevada Library
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Urban Advocates
Attn: Mary Linda Kemp
815 16th. St., NW
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Washington, D.C. 20005

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Humboldt National Forest
P. O. Box 539
Ely, Nevada 89301

Mr. William L. Van
P. O. Box 563
Alamo, Nevada 89001

Mr. Jeff Van Ee
P. O. Box 19777
Las Vegas, Nevada 89132

Mr. Glen Van Roekel
Director of Community Development
City of Caliente
Box 158
Caliente, Nevada 89008

Mr. Mark Vogel
P. O. Box 19777
Las Vegas, Nevada 89132

Mr. Edison Vogel
Review-Journal Newspaper
P. O. Box 70
Las Vegas, Nevada 89125

Major Eric A. Vranek
SAF/L&L
Washington DC 20330-1000

Congressman Barbara Vucanovich
P. O. Box A
North Las Vegas, Nevada 89030

Mr. John B. Walker
Nevada State Clearinghouse
State Office of Community Services
Capitol Complex
Carson City, Nevada 89710

Washoe County Library
301 South Center Street
Reno, Nevada 89505

Mr. Charles S. Watson Jr.
National Public Land Task Force
Nevada Outdoor Recreation Association, Inc.
P. O. Box 1245
Carson City, Nevada 89702

Western Shoshone National Council
Attention: Mr. William Rosse Jr., Chairman
Route 1, Box 24A
Austin, Nevada 89310

White Pine County Library
Courthouse Plaza
Ely, Nevada 89301

Wild Horse & Burro Committee for
National Academy of Science
Attention: Mr. Fred Wagner, Chairman
College of Natural Resources
Utah State University
Logan, Utah 84322

Wild Horse Organized Assistance
Attention: Ms. Dawn Y. Lappin, Director
P. O. Box 555
Reno, Nevada 89505

Mr. Jay A. Willden
Box 252
Caliente, Nevada 89008

Mr. M. J. Wilson
726 Arrowhead Trail
Henderson, Nevada 89015

Jay William & Marjorie Wright
Hiko, Nevada 89017

DATE DUE

BLM Library
Denver Federal Center
Bldg. 85, OC-521
P.O. Box 25047
Denver, CO 80225

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